

By Mr. CRANTON: A bill (H. R. 14518) granting an increase of pension to James Taylor; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 14519) granting an increase of pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14520) granting an increase of pension to Mattie Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14521) granting an increase of pension to Belle Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14522) granting an increase of pension to Elisha Hurley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14523) granting an increase of pension to George W. Fleenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14524) granting an increase of pension to John M. Dixon; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 14525) to correct the military record of Barneval Schwartz; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 14526) granting a pension to Mary Anne Harper; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14527) for the relief of Andrew J. Esser; to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 14528) granting an increase of pension to Edward Nathan Marx; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 14529) granting a pension to Rita Shafges; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 14530) granting a pension to Charles Francis Schaeffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14531) granting an increase of pension to Julia Ann Fyock; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Resolutions by National Automobile Chamber of Commerce, asking Congress to increase appropriations to aid extension of export trade; to the Committee on Interstate and Foreign Commerce.

By Mr. FARR: Resolutions of Enterprise Lodge No. 21, Joseph Oliver, secretary, Loyal Knights of America, favoring deportation of interned enemy aliens, and urging that naturalized citizens whose conduct invoked the law because of alien sympathies and action be deprived of their citizenship and deported; to the Committee on Immigration and Naturalization.

By Mr. PAIGE: Memorial of Lithuanians of Gardner, Mass., relative to recognition of that people as an independent nation; to the Committee on Foreign Affairs.

By Mr. RAKER: Resolutions by the American Federation of Labor, protesting against the zone system and increased rate on second-class matter; to the Committee on Ways and Means.

Also, resolutions by Farmers' National Conference on economic reconstruction in America and international reconstruction with reference to the natural resources of the country; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: Memorial of Western Fremont County Council of Defense, urging legislation granting patent to next of kin of deceased soldiers, sailors, and marines who had entered upon the public lands; to the Committee on the Public Lands.

By Mr. SNOOK: Petition of members of Federated Shop Crafts, of Van Wert, Ohio, favoring retention of the railroads under Government control for a period of five years; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, January 16, 1919.

(Legislative day of Tuesday, January 14, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

SENATOR FROM MISSISSIPPI.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election of BYRON PATTON HARRISON as a Senator from the State of Mississippi for the term beginning March 4, 1919, which will be read and placed on the file.

The credentials were read and ordered to be filed, as follows:

STATE OF MISSISSIPPI.

To all to whom these presents shall come, greeting:

This is to certify that on the 5th day of November, 1918, BYRON PATTON HARRISON was duly chosen by the qualified electors of the State of

Mississippi a Senator from the said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March 1919.

Witness: His excellency, our governor, Theodore G. Bilbo, and our seal hereto affixed at Jackson, Miss., this the 2d day of January, in the year of our Lord 1919.

THEODORE G. BILBO,
Governor.

By the governor:
[SEAL.]

JOSEPH W. POWELL,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1693).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, schedules and lists of useless papers, of no historical value in the Department of Commerce, and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Massachusetts [Mr. WEEKS] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House thereof.

EMPLOYEES IN DEPARTMENT OF JUSTICE (S. DOC. NO. 339).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of December 23, 1918, a list showing the number of employees in the Department of Justice January 15, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

EMPLOYEES OF NAVY DEPARTMENT (S. DOC. NO. 341).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of December 23, 1918, a list showing the number of employees in the department January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

TRAVEL OF EMPLOYEES IN AGRICULTURAL DEPARTMENT (H. DOC. NO. 1689).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing in detail travel from Washington to points outside of the District of Columbia performed by officers and employees of the Department of Agriculture, which was referred to the Committee on Appropriations and ordered to be printed.

ALASKAN ENGINEERING COMMISSION (H. DOC. NO. 1688).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, report of expenditures by the Alaskan Engineering Commission, which was referred to the Committee on Territories and ordered to be printed.

BOARD OF SUPERVISING INSPECTORS (H. DOC. NO. 1690).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, copy of regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce, and authorized by the so-called seamen's act, which with the accompanying papers was referred to the Committee on Commerce.

EMPLOYEES IN UNITED STATES SHIPPING BOARD (S. DOC. NO. 340).

The VICE PRESIDENT laid before the Senate a communication from the United States Shipping Board, transmitting, in response to a resolution of December 23, 1918, a list showing the number of employees in the board January 14, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

FEDERAL BOARD OF VOCATIONAL EDUCATION (S. DOC. NO. 343).

The VICE PRESIDENT laid before the Senate a communication from the Director of the Federal Board of Vocational Education, transmitting, pursuant to law, an itemized account of expenditures of the board from October 1, 1918, to December 31, 1918, inclusive, which, with the accompanying paper, was referred to the Committee on Education and Labor and ordered to be printed.

COST OF THE WAR (S. DOC. NO. 342).

The VICE PRESIDENT laid before the Senate a communication from the Acting Food Administrator, transmitting, in response to a resolution of December 15, 1918, certain information relative to the cost of the war so far as the Food Administration is concerned up to January 1, 1919, which was referred to the Committee on Military Affairs and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1691).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1918, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present certain resolutions adopted by the New Syria National League which are brief, and I ask that they may be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions adopted by the New Syria National League.

Whereas the Turks, after four centuries of tyranny and murder of their own subjects, have proved to be incorrigible; and
Whereas the allied nations have accepted, among their aims of war, the principle laid down by President Wilson—in favor of liberating the small and oppressed nationalities and providing them with an opportunity for development along the lines of self-determination; and

Whereas the Syrians, conscious of the unselfish purposes of the United States in this war, its freedom from entangling alliances, and its noble efforts in protecting the weaker races and nations; and

Whereas the United States of America has hitherto assisted Syria and its people and has within its borders a quarter of a million Syrians (with 14,000 of them serving under its flag) who will form a bond of union between their land of birth and their land of adoption; and
Whereas the United States of America has been able throughout its entire history to assimilate on perfect equality men and women of all races, granting and guaranteeing to all equal rights and equal opportunity, whether economic, racial, or religious, and is the country trusted by all the belligerents to protect their interests as well as her own: Now, therefore, be it

Resolved,

I. That Turkish authority, actual or nominal, should not be reestablished.

II. That the New Syria shall be a federated union of Provinces, each Province autonomous within its own borders, yet bonded through one central government into one great nation from the Taurus Mountains to the Sinai Peninsula, free from the difficulties and dangers which beset the severance of one nation into varied spheres of influence, which are bound to hinder the full and freest development of one common people.

III. That the United States assume guardianship and administration of Syria until such a time as the Syrians are able to perform the functions of full self-government.

Mr. LODGE presented resolutions adopted at a mass meeting of Lithuanians of Gardner, Northampton, and Easthampton, all in the State of Massachusetts, favoring the independence of Lithuania, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Friends of Irish Freedom, of Fall River, Mass., and resolutions adopted by the Robert Emmett Literary Association, of Fall River, Mass., favoring freedom of Ireland, which were referred to the Committee on Foreign Relations.

Mr. JOHNSON of South Dakota. I present a concurrent resolution adopted by the Legislature of South Dakota requesting the Senate of the United States immediately to pass the national suffrage amendment, which I ask to have printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

STATE OF SOUTH DAKOTA,
January 13, 1919.

Hon. ED. S. JOHNSON,
Washington, D. C.

MY DEAR SIR: I have the honor to hand you herewith a copy of senate concurrent resolution, adopted by our legislature now in session, requesting the Senate of the United States to immediately adopt the national suffrage amendment.

The people of this State passed, by a majority vote at the last general election, an amendment to our State constitution extending to the noble women of this State the right of suffrage. The official vote on said amendment was as follows:

For its adoption.....	49,318
Against its adoption.....	28,934

Therefore, in behalf of the people of this State, I respectfully urge that you give the matter your careful attention and hearty support.

With kindest regards and best wishes for 1919, I am,

Very truly,

C. A. BURKHART, Secretary of State.

Certificate.

UNITED STATES OF AMERICA,
STATE OF SOUTH DAKOTA,
SECRETARY'S OFFICE.

I, C. A. Burkhardt, secretary of state, do hereby certify that the annexed senate concurrent resolution was duly passed by the sixteenth session of the Legislature of the State of South Dakota.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre, January 13, 1919.
[SEAL.]

C. A. BURKHART, Secretary of State.

Senate concurrent resolution.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring), Believing that the staunch patriotism and indispensable services of our mothers, wives, and daughters during the prosecution of the war entitles these noble women to all the rights

and privileges a grateful country can bestow, we urgently request the Senate of the United States to immediately adopt the national suffrage amendment.

Be it further resolved, That copies of this resolution be sent to the Hon. THOMAS STERLING and to the Hon. E. S. JOHNSON, with the request that it be read into the CONGRESSIONAL RECORD.

Mr. HALE presented a petition of Derby Lodge, No. 608, International Brotherhood of Boiler Makers, of Milo, Me., praying for the proposed extension of Federal control of railroads, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 5279) to authorize the resumption of voluntary enlistment in the Regular Army, and for other purposes, reported it without amendment and submitted a report (No. 645) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 289) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported it with amendments and submitted a report (No. 644) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 5277) reappropriating and making immediately available the \$42,500 appropriated for the construction of two bridges over the Little Colorado and Canyon Diablo Rivers, near the Leupp Agency, Ariz., by the act approved March 2, 1917, reported it with an amendment and submitted a report (No. 646) thereon.

THE ROOSEVELT NATIONAL PARK.

Mr. PHELAN. I ask unanimous consent to submit a report from the Committee on Public Lands, recommending the passage, with amendments, of Senate bill 2021, providing for the addition of certain lands to the Sequoia National Park, Cal., and designating it the Roosevelt National Park, in honor of the late President Roosevelt, and I submit a report (No. 647) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, to strike out the word "Sequoi" and insert "Sequoia"; in line 4, after the word "follows," to strike out the colon and insert a comma and the words "and that the park be hereafter designated the Roosevelt National Park, in honor of Theodore Roosevelt, late President of the United States"; and on page 9, strike out all of section 3 and insert:

Sec. 3. That nothing in this act shall in any way modify or affect the mineral-land or coal-land laws now applicable to the lands hereby added to said park.

So as to make the bill read:

Be it enacted, etc., That the boundaries of the Sequoia National Park, Cal., are hereby changed as follows, and that the park be hereafter designated the Roosevelt National Park in honor of Theodore Roosevelt, late President of the United States:

EAST AND NORTH BOUNDARY LINES.

Beginning at a point on the present east boundary line, which is on the range line between ranges 31 and 32 east of the Mount Diablo meridian, in township 18 south of the Mount Diablo base, California, where said range line intersects the hydrographic divide between Little Kern River and Soda Creek; then southeasterly along the hydrographic divide between Little Kern River and Soda Creek to the junction of Little Kern River and Quail Creek; thence easterly along the hydrographic divide between Quail Creek and Lion Creek to the summit of the Great Western Divide; thence southeasterly along the Great Western Divide to Coyote Peak (United States Geological Survey bench mark 10,919 feet); thence easterly along the hydrographic divide through sections 31 and 32, township 18 south, range 33 east, and section 4, township 19 south, range 33 east, to the junction of Kern River and Little Creek, about one-quarter mile south of Kern Lake and between that lake and Little Lake; thence easterly along the main divide south of Little Creek and between Golden Trout Creek and Cold Creek (tributaries of Kern River) to the summit of Kern Peak (United States Geological Survey bench mark 11,493 feet, triangulation station); thence northerly and easterly along the hydrographic divide between the South Fork of Kern River and Golden Trout Creek to the summit of the Sierra Nevada Mountains; thence northerly and westerly along the main crest of the Sierra Nevada Mountains to Pine Creek Pass, at the head of a tributary of Piute Creek, which flows southwesterly through French Canyon; thence following southwesterly down west bank of said creek through French Canyon and continuing along west bank of Piute Creek to the junction of the South Fork of San Joaquin River and Piute Creek; thence southerly along the main hydrographic divide to the summit of Mount Henry (12,197 feet); thence southeasterly along the hydrographic divide between the drainage of the South Fork of San Joaquin River and the drainage of the North Fork of Kings River to the junction with Goddard Divide; thence southerly and westerly along the hydrographic divide between Goddard Creek and the drainage of the North Fork of Kings River, and along the divide between Crown Creek and Blue Canyon Creek, along Kettle Ridge to Kettle Dome; thence southwesterly along the hydrographic divide to the junction of Crown and Fawn Creeks; thence westerly along the hydrographic divide between Fawn Creek and Rodgers Creek to Obelisk Peak; thence westerly along the main hydrographic divide south of Rodgers Creek to Spanish Mountain (triangulation station, United

States Geological Survey, bench mark 10,044 feet); thence southerly along the hydrographic divide (Deer Ridge) to the junction of the South and Middle Forks of Kings River; thence southerly along the hydrographic divide between Tennille Creek and Lockwood Creek and along the Sequoia and Big Baldy Ridges to Big Baldy (triangulation station, United States Geological Survey, bench mark 8,211 feet); thence continuing southerly along the said hydrographic divide (Big Baldy Ridge) to the southwest corner of the present Sequoia National Park, which is approximately on or near said hydrographic divide, between townships 14 and 15 south, ranges 28 and 29 east; and all of those lands lying between the boundary line last above described and the present east and north boundary lines of said national park are hereby included in and made a part of the Sequoia National Park.

WEST BOUNDARY LINE.

Beginning at the present northwest corner of the Sequoia National Park, which is approximately on or near the hydrographic divide (Big Baldy Ridge), between townships 14 and 15 south, ranges 28 and 29 east; thence southerly along the said hydrographic divide now between Redwood Creek and North Fork Kaweah River to where it intersects the present west boundary of said national park in township 15 south, range 28 east; and all those lands lying between the boundary line last above described and the present west boundary line of said national park are hereby excluded from the Sequoia National Park.

Beginning at a point on the present west boundary line of the Sequoia National Park where it is intersected by the hydrographic divide between Redwood Creek and North Fork Kaweah River in township 15 south, range 28 east; thence southerly along the said hydrographic divide to the junction of Redwood Creek and the North Fork Kaweah River; thence following down the west bank of the North Fork Kaweah River to the junction with Cactus Creek; thence southeasterly along the first main hydrographic divide south of Cactus Creek to where it intersects the present west boundary line of the said national park, township 16 south, range 28 east; and all those lands lying between the boundary line last above described and the present west boundary line of said national park are hereby included in and made a part of the Sequoia National Park.

Beginning at that point on the present west boundary line of the Sequoia National Park where it is intersected by the first main hydrographic divide south of Cactus Creek, between that creek and North Fork Kaweah River, township 16 south, range 28 east; thence southeasterly along said hydrographic divide now between Maple Creek and North Fork Kaweah River to Ash Peaks; thence southeasterly along the hydrographic divide west of Alder Creek to where it intersects the present west boundary line of said national park, between townships 16 and 17 south, range 29 east; and all those lands lying between the boundary line last above described and the present west boundary line of said national park are hereby excluded from the Sequoia National Park.

Beginning at that point on the present west boundary line of the Sequoia National Park where it is intersected by the hydrographic divide west of Alder Creek, between townships 16 and 17 south, range 29 east; thence southeasterly along said hydrographic divide to the junction of the Middle and East Forks Kaweah River; thence south and easterly along the hydrographic divide between the East Fork Kaweah River and Salt Creek, over Red Hill, to Case Mountain; thence southerly and easterly along the hydrographic divide (Salt Creek Ridge) between the South and East Forks Kaweah River to where it intersects the present west boundary line of said national park, township 18 south, ranges 29 and 30 east. And all those lands lying between the boundary line last above described and the present west boundary line of said national park are hereby included in and made a part of the Sequoia National Park.

Beginning at that point on the present west boundary line of the Sequoia National Park where it is intersected by the hydrographic divide (Salt Creek Ridge) between the South and East Forks Kaweah River, township 18 south, ranges 29 and 30 east; thence easterly along said hydrographic divide to Homers Nose (triangulation station, 9,005 feet); thence southwestwardly along the hydrographic divide east of Bennett and Burnt Camp Creek to where it intersects the present west boundary line of said national park, township 18 south, ranges 29 and 30 east. And all those lands lying between the last above-described boundary line and the present west boundary line of said national park are hereby excluded from the Sequoia National Park.

Beginning at that point on the present west boundary line of the Sequoia National Park, where it is intersected by the hydrographic divide east of Burnt Camp Creek, township 18 south, ranges 29 and 30 east; thence westerly along said hydrographic divide to the junction of Burnt Camp Creek and the South Fork Kaweah River; thence southeasterly along the hydrographic divide toward Dennison Mountain, to where it intersects the present west boundary of said national park, township 18 south, ranges 29 and 30 east. And all those lands lying between the last above-described boundary line and the present west boundary line of said national park are hereby included in and made a part of the Sequoia National Park.

WEST, SOUTH, AND EAST BOUNDARY LINES.

Beginning at that point on the present west boundary of the Sequoia National Park where it is intersected by the hydrographic divide running from the junction of Burnt Camp Creek and South Fork Kaweah River to Dennison Mountain, township 18 south, ranges 29 and 30 east; thence southeasterly along the said hydrographic divide to Dennison Mountain; thence easterly along the hydrographic divide (Dennison Ridge) between the South Fork Kaweah River, the North Fork of Tule River, and the North Fork of the Middle Fork of Tule River and continuing along said hydrographic divide now between the South Fork Kaweah River and Pecks Canyon, Soda Creek, and Little Kern River to its intersection with the present east boundary line of said national park, which is on the range line between ranges 31 and 32 east, in township 18 south, Mount Diablo base, California. And all those lands lying between the last above-described boundary line and the present west, south, and east boundary lines of said national park are hereby excluded from the Sequoia National Park.

All lands hereby excluded from Sequoia National Park are included in and made a part of the national forests adjacent thereto.

SEC. 2. That the provisions of the act of September 25, 1890, entitled "An act to set apart a certain tract of land as a public park"; the act of October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; and the act of August 25, 1916, entitled "An act to establish the National Park Service, and for other purposes"; and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park.

SEC. 3. That nothing in this act shall in any way modify or affect the mineral-land or coal-land laws now applicable to the lands hereby added to said park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to add certain lands to the Sequoia National Park, Cal., and to change the name of said park to Roosevelt National Park."

MINING CLAIMS IN ALASKA.

Mr. JONES of Washington. The joint resolution (S. J. Res. 198) to suspend the doing of assessment work on mining claims in Alaska, and so forth, was introduced by me some time ago and was referred to the Committee on Territories. Several Senators think it would be more proper to send the joint resolution to the Committee on Mines and Mining, as it relates to mining conditions in Alaska. So I move that the Committee on Territories be discharged from the further consideration of the joint resolution, and that it be referred to the Committee on Mines and Mining.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 5352) authorizing the Secretary of War to donate to the city of Chelsea, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 5353) to authorize the acquisition of land for a national military cemetery in France and to provide for the establishment, care, and maintenance thereof, and for other purposes; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 5354) extending the time for the completion of a bridge across the Delaware River, authorized by an act approved the 24th day of August, 1912; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 5355) authorizing the Secretary of War to donate to the city of Westbrook, Me., one German cannon or fieldpiece;

A bill (S. 5356) authorizing the Secretary of War to donate to the town of Winthrop, Me., one German cannon or fieldpiece;

A bill (S. 5357) authorizing the Secretary of War to donate to the city of Auburn, Me., one German cannon or fieldpiece; and

A bill (S. 5358) authorizing the Secretary of War to donate to the city of Eastport, Me., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 5359) to establish load lines for certain vessels; and

A bill (S. 5360) to authorize the Department of Commerce, by the National Bureau of Standards, to examine and test manufactured articles or products for the owner or manufacturer thereof, to issue a certificate as to the nature and quality of such manufactured articles or products, and to prevent the illegal use of such certificates; to the Committee on Commerce.

By Mr. SAULSBURY:

A joint resolution (S. J. Res. 211) authorizing the appointment and sending of a commission to Porto Rico to study its industrial and economic conditions, and for other purposes; to the Committee on the Pacific Islands and Porto Rico.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONSTRUCTION OF ROADS.

Mr. WALSH submitted an amendment proposing to appropriate \$3,000,000 for the fiscal year ending June 30, 1919, \$6,000,000 for the fiscal year ending June 30, 1920, and \$6,000,000 for the fiscal year ending June 30, 1921, for the survey, construction, and maintenance of roads and trails within or partly within the national forests, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PAYMENT OF WAR CONTRACTS.

Mr. SMITH of Michigan. Mr. President—
Mr. FRANCE. Mr. President, I have the floor, but I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I thank the Senator from Maryland.

Mr. President, the matter of overdue war bills, especially those affecting the manufacturing and business men of the State of Michigan, is a matter of a very serious moment to them and to our State as well. The Detroit Journal, one of the great journals of our State, on Monday last contained an article entitled "Overdue war bills," which said:

The injustice which the wage earners and employers of Detroit and Michigan are suffering in the Government's delay of payment for war materials is not only scandalous, but dangerous.

The \$300,000,000 due Michigan manufacturers and subcontractors for honest war work honestly performed is a sum too large to yank from under the business structure of the State without serious results for workers and employers. And the twiddlers and twaddlers in Congress and the War Department who are responsible for the delay will be held so responsible if the shutting down of manufactories and the unemployment of thousands of workers follow.

Congress and the War Department need not fear the loss of reputation for painstaking and care in the expenditure of public funds, for neither Congress nor the War Department has any such reputation to lose.

But they can lose and are fast losing the respect and faith of this splendidly loyal city and State, for no municipality or Commonwealth can face the dangers which official delays are entailing and retain any considerable degree of belief in public men who are making partisan play of a matter which means bread and butter to workers and employers alike.

The Michigan war material contracts in question were accepted in good faith and rushed toward completion under the high pressure of the war-time spirit. Some of them lacked the yards of red tape which are the official mark of Government contracts, but all of them were given by the Government and must eventually be paid. And if eventually, why not now?

The money has been expended by the manufacturers. The materials have been bought and the wages paid. If in speeding up the payment some individual firm should be given more than its just dues, the Government would have no difficulty in recovering later. Uncle Sam stands no chance of being bilked. The taxpayer is in no possible danger of being cheated. But both Uncle Sam and the taxpayer are going to suffer if the industries and the wage earners of the State are cramped by the delayed payment of the Government's just bills.

Three hundred millions of deferred war material debts is three hundred millions withheld from the industries and wages of Michigan citizens—withheld that a lot of imitation statesmen may play party politics and fence for partisan advantage in Washington.

It is high time that Michigan's Senators and Congressmen give some indications of their abilities to look after the interests of the people they represent.

Mr. President, I think there is just cause for the grievance of the Detroit Journal and of the manufacturers and business men of my State. No State in the Union responded more liberally, without restraint or hesitation, when the Government sought to place its bonds, when the Red Cross was raising its money, and when all the arrangements for carrying on the war were at their height. Detroit is particularly deserving of praise in this regard. It responded to every request that was made for munitions and war supplies. It changed the character of its business, without notice scarcely, and turned over those tremendous plants to Government work in order that the Government might be given the relief which it sought. The Detroit Journal says it is little less than scandalous that these bills have not been paid, and I agree that there is no just excuse for the delay.

I am glad to see my honored friend from Massachusetts [Mr. Lodge] nod his head approvingly at that criticism. It gives me confidence that the position I am taking is correct.

Why are these bills not paid? The money is to the credit of the department. I understand that many hundreds of millions of dollars unexpended is still to the credit of the department, that no new appropriation is necessary to pay these bills, and that there will be money returned unexpended after the end of the fiscal year. Am I right? I appeal to the Senator from Utah.

Mr. SMOOT. Mr. President, I wish to say that the article wherein it criticizes Congress for not acting or appropriating money for the payment of the bills referred to is unjustified in every particular. Congress has appropriated at least \$10,000,000,000 more than will be expended or can be expended in the fiscal year ending June 30, 1919. If there is any delay of the payment of the bills, it can not be charged to Congress.

Mr. SMITH of Michigan. I thank the Senator from Utah. His acknowledged accuracy in public statements will be accepted by his colleagues, and I have no doubt by the public generally, as correct.

To deprive the manufacturers of Detroit and Michigan of the use of \$300,000,000 long past due is a very important matter. To suddenly cancel the orders that are unfilled and ask these concerns to return to their ordinary avocations is burden enough, but not to pay the bills due is criminal. I do not know who is responsible for the delay, but if congressional action is not necessary, the responsibility must rest with the executive officers of the Government.

Mr. SHEPPARD. Will the Senator permit me to make a brief announcement, in which I am sure he will be very much interested?

Mr. SMITH of Michigan. Yes.

Mr. SHEPPARD. I have the honor to announce that this morning Nebraska ratified the nation-wide prohibition amendment, being the thirty-sixth State to ratify it. Within less than 13 months the amendment becomes a part of the Federal Constitution, the shortest time within which any amendment has been ratified with the sole exception of the amendment abolishing slavery.

Mr. SMITH of Michigan. I thank the Senator.

Mr. SHEPPARD. For the first time in history one of the leading nations of the world embodies in its national organic law a provision prohibiting the traffic in intoxicating liquors, a traffic which ultimately would have undermined the foundations of its being. The adoption of this amendment marks the advent of a new day. It is the first step in the new processes of legislation for human welfare which must follow the great war for democracy and civilization in Europe if the lessons of that conflict are to be grasped and utilized.

Mr. SMITH of Michigan. The statement of the Senator from Texas is, of course, interesting, although I am afraid it will not pay these bills. But just to show the Senator from Texas that as Michigan was in the advance in coming to the Government's rescue at the time the war broke out, I only wish to say that we were the first State in the Union to ratify the amendment to which he has referred.

Mr. WILLIAMS. Mr. President—

Mr. SMITH of Michigan. Pardon me, I think Mississippi was the first.

Mr. WILLIAMS. Mississippi was the first.

Mr. SMITH of Michigan. I guess Mississippi was a lap ahead of us.

Mr. WILLIAMS. That credit or discredit is due to my State and not to yours.

Mr. SMITH of Michigan. The "credit or discredit," the Senator says. The credit of passing the constitutional amendment very early, among the very earliest of the States, I think I may properly assume for my own State. But that is neither here nor there. What I want to do is to ascertain why these bills are not paid.

Mr. SWANSON. If the Senator will permit me, a great many of these bills are due under contracts that were not executed strictly in accordance with the law. There was a disposition to get rid of red tape in the departments and Congress was urging all the time that the war was being delayed by red tape. A great many of the contracts were simply orders made over the telephone and prices fixed. The Comptroller of the Treasury refused to pay any of these bills under the existing law which were not made strictly according to the written contract, and so forth. A bill passed the House and is waiting in the Senate to be passed creating a commission which will be established to pass on contracts which are bona fide and honest and which are a moral obligation on the Government.

In addition to that, there was a cancellation clause in a number of the contracts with unliquidated damages for canceling the contract. The contracts are canceled and the department is not disposed to take what all the contractors say were the damages sustained. There has to be some provision made for that. No doubt a great many of those contracts will have to be determined by legislation of Congress.

Mr. SMITH of Michigan. The Senator from Virginia is making an observation which I do not think will apply to the situation which I am describing, for the contracts about which I am complaining in my State were formal contracts. For instance, 100,000 shells were ordered from one firm, and then over the telephone the War Department said, "We must have 200,000; make them now," and it was done. It was done under the initial contract, and there is no reason in the world why that contract should not be paid.

Mr. SWANSON. I understand, under a condition like that, where there was no written contract, as required by law, the Government can not pay for it unless some relief is given.

Mr. SMITH of Michigan. There was a contract valid under the law.

Mr. SWANSON. In peace times we have a system of written contracts, which I think is very wise, to prevent the Government from being imposed upon. In time of war a great deal of this material was ordered to get rid of red tape for the reason that it was necessary, and I understand those contracts are held up until Congress can legalize them.

Mr. SMITH of Michigan. If there are illegal contracts, of course they ought not to be paid; but I am speaking of contracts that are legal, that have been formally executed and the goods delivered, and \$300,000,000 are now owing to our people. It is an outrage and a shame to suspend payment and tie up these industries.

Mr. WILLIAMS. Is not the Senator in his zeal overstating the case? If there were illegal contracts they ought not to be paid. There are legal contracts by the hundred that ought to be paid.

Mr. SMITH of Michigan. I do not mean contracts that are not strictly formal. I mean contracts that are sufficient in themselves.

Mr. WILLIAMS. The Senator used the phrase "illegal contracts." He need not be suspicious at all. The Senator just instanced a case where 100,000 shells were ordered from a firm and it is discovered later that the Government wants more shells, that it wants 500,000.

Mr. SMITH of Michigan. The contract provided for it.

Mr. WILLIAMS. The original contract was for only 100,000 shells.

Mr. SMITH of Michigan. This was only a figure of speech. When the contract was let both parties knew more shells would be needed.

Mr. WILLIAMS. It was not.

Mr. SMITH of Michigan. They did not need a new contract.

Mr. WILLIAMS. It was for 100,000; it was not for such amount as was necessary.

Mr. SMITH of Michigan. Such a contract would have been foolish; all parties wanted latitude, and the contract provided for it—

Mr. WILLIAMS. I beg the Senator's pardon. If you will go back and investigate the contracts you will find in every case they were for a certain quantity. Now, then, that contract comes up for consideration before the Auditor of the Treasury, and it is discovered that the United States Government added 400,000 shells to that order over the phone. There is no law of the United States which permits any officer to add 400,000 shells to be charged to the United States Government by phone.

Mr. SMITH of Michigan. Why not pay for deliveries made and accepted?

Mr. WILLIAMS. I will come to that in a moment. Now, then, the manufacturer presents his bill for 500,000 shells, and the ordinary red-tape officer, circumscribed by law, as he must be, and as he is, responds, "I can not approve this bill, because it is for 500,000 shells, and it ought to be for 100,000."

We have in course of legislation a bill. The Senator from Utah [Mr. Smoot] just said that it was no fault of Congress that none of this had been done. It is no fault of intentment upon the part of Congress or of will or volition, but there is this particular case. There are 400,000 more shells waiting there upon the action of Congress to confirm the telephone message. No man had any legal right in the world to order the 400,000 by telephone.

Mr. SMITH of Michigan. As the Senator knows, it is done over and over again, owing to the necessity for war materials.

Mr. WILLIAMS. I know it was, and I agree with the Senator absolutely that it had to be done, and that red tape had to be overridden and that the law had to be overridden; but when it comes to the officer who has to approve these things, he can not approve it unless he has some act of Congress behind him. He is faced with a bill for 500,000 shells and has a legal valid governmental contract for only 100,000, and he simply says, "I can not approve it; I must wait until Congress gives me the power. I am now awaiting that power."

Let me tell the Senator a few other things in this connection, if he will pardon me just a moment. Here are a lot of mineral men engaged in turning out a whole lot of minerals that were absolutely necessary to carry on the war. We did not make them here. We had been in the habit of importing them. We could no longer import them. The governmental agency acted without any authority at all, because they did not have time to wait for it, and you are waiting every minute to criticize them about it.

Mr. SMITH of Michigan. No; I deny that.

Mr. WILLIAMS. Well, all right; I hope you are not.

They just simply said, "You go ahead; you make this thing; it will cost you so much, but you make it; we need it; we have got to have it; you must make it." They said, "All right; we will do it. Will you make us whole if we do?" "Well, we will try to." So they went ahead.

Here are the cotton-oil mills in the South, let us say; here is a linter that turned out 75 pounds, and the Government said, "We want 145 pounds. You have got to change your old machinery in order to produce it, and, after you change your machinery the product that you make is worthless except for munitions; it is worthless for any other purpose; you can not sell it for trash; you can hardly sell it to make paper; but will you come to the rescue of the Government?" They said, "Yes." They put in the machinery. Well, within less than six months afterwards the armistice of peace was signed, and, of course,

the machinery had not paid for itself and had not paid 10 per cent upon itself.

Now, what is the lesson to be derived from it all, I ask the Senator from Michigan, and I ask him with absolute confidence in the honesty of his reply, for I have known him a long time? I think first the answer is, Congress must pass a law validating these invalid and illegal contracts, unless there shall be fraud accompanying them, of course. I think the next step that we ought to take is that we ought to say to all these people, from those who are producing manganese down to those who put in the new machinery for cotton linters, and the friends of the Senator from Michigan in Detroit—we ought, as a Government, to say to every one of them, "We are going to charge this to profit and loss; it is a part of the war expenses. We are going to keep you whole; we are going to abide by the illegal contracts of the executive branch of the Government, because, although they were illegal, they were necessary. And unless there is fraud somewhere, overreaching, unconscionable bargaining, excessive profits, or something else unpatriotic we are going to take the charge upon the American people, and not leave it to you to pay; we are going to pay it, because we won this war for the civilization, the enlightenment, and freedom of the world."

The Senator from Michigan will find that there are more people outside of Detroit than there are in Detroit who have suffered—

Mr. SMITH of Michigan. I grant that. I am speaking for my own State. The Senator can speak for his.

Mr. WILLIAMS. And that they have got to be taken care of. He will go with me. We will leave this aside, it will not be counted; and we will just simply say to these people, wherever there is a bona fide case, "You shall not suffer because of your patriotism; all of us will suffer, each for all, and all for each."

Mr. SMITH of Michigan. Mr. President, I am obliged to the Senator from Mississippi. Of course, he speaks of our industries and the industries of the South, and hopes that they will waive some of these damages. My hearing is very good, but I have not heard anyone down South waiving anything yet, and I do not know that the Senator has heard anybody up our way waiving anything; be that as it may, I am talking about bona fide contracts.

Mr. WILLIAMS. I am not talking about their waiving any damages, if the Senator will pardon me for a moment. It is not a question of waiver; it is a question of justice. We shall not bother with them as to what they shall waive or what they shall not; we shall make them whole and shall keep them whole, and charge it to public account, to profit and loss; but we shall not allow them to profiteer.

Mr. SMITH of Michigan. Well, Mr. President, notwithstanding what the distinguished Senator from Mississippi has said, I think that the contracts that are bona fide, that have been recognized, that have been carried out in detail, should be paid, and that the money should be forthcoming now.

Mr. SWANSON. Will the Senator from Michigan yield to me?

Mr. WILLIAMS. The Senator from Michigan is precisely right upon that, but the Senator forgets a little matter of legal detail there. When I present a claim against the United States Government for any amount whatsoever I have to sign a receipt, and in that respect I waive further claims against the United States Government.

Mr. SMITH of Michigan. You take payment on account.

Mr. WILLIAMS. Here is a man who has made a hundred thousand shells under a valid contract, who added 400,000 shells to the contract upon a telephone message. He can not afford to settle with the Government for the hundred thousand shells because he is cut off from the 400,000, and you have got to wait until Congress gives authority to some commission or somebody to settle for the 400,000.

Mr. SMITH of Michigan. This was said only to illustrate how a contract might be expanded. I was not speaking of a specific case.

Mr. WILLIAMS. Neither was I.

Mr. SMITH of Michigan. And neither was the Senator from Mississippi.

Mr. SWANSON. Mr. President—

Mr. SMITH of Michigan. Just a second. I am talking about contracts acknowledged and the goods delivered under them, the money due, and the money here with which to pay.

Mr. WILLIAMS. And with no element of uncertainty, doubt, or dispute.

Mr. SMITH of Michigan. With no element of fraud or uncertainty or dispute about them.

Mr. WILLIAMS. Now, if my contract, which is valid and has been validly executed, without any element of dispute regarding an invalid, outside, disturbing contract connected with it, is presented to the Government of the United States, and

the Government does not pay it, the Government ought to be execrated.

Mr. SMITH of Michigan. Well, the Detroit Journal is a very reputable and prominent journal in our State, and it makes the statement that there are over \$300,000,000 due to Detroit and other Michigan manufacturers for goods delivered under their contracts. That money ought to be paid. That is what I am complaining about.

Mr. SWANSON. Mr. President, will the Senator from Michigan yield to me?

Mr. SMITH of Michigan. I yield to the Senator from Virginia.

Mr. SWANSON. Under the law, as I understand it, when the War Department gives an order and sends a check in payment of it to the contractor, the law requires that the contract be filed with that voucher, the contract be of a certain character, written, and signed by some officer in authority, absolutely showing the transaction before the Comptroller of the Treasury can approve it. That is the law. During this war that occasioned delay, and in order to get rid of red tape in connection with such contracts, all those requirements were not complied with. Consequently, when the voucher is given and the written contract is not filed, there is no authority for it to be approved by the Comptroller of the Treasury, and, therefore, the contractors do not get the money.

The House has passed a bill, and the bill has been reported to the Senate, that would cover cases of that kind, embracing between six and seven thousand contracts, which, when made, were lacking in formality in order to get rid of the red tape and to speed up action. Those contracts are not legal under the law existing at that time.

This legislation is intended to obviate that difficulty in connection with contracts about which there is no certainty. When there is certainty about a contract the department has advanced the money, or a large part of it. I think if the Senator will examine the claims for \$300,000,000, get the cases itemized, and get the contracts, he will find difficulties of the kind to which I have alluded. In most of these cases, however, advances have been made. That has been my experience. Where advances were being made without the written contract being filed, the advances had to stop. Now, if it is desired to get relief—and relief ought to be given—we should pass this measure and thereby afford relief in these cases.

Mr. SMITH of Michigan. Mr. President, I have the acquiescence of my friends, the Senator from Massachusetts [Mr. Lodge] and the Senator from Utah [Mr. Smoot], a member of the Appropriations Committee, in the statement that no congressional action is necessary, and that \$10,000,000,000 in excess of these claims is now resting in the Treasury subject to use.

Mr. SWANSON. Mr. President, that is a mistake. The Military Affairs Committee of the Senate has unanimously reported a bill to give relief in those cases; and, if there is no occasion for any relief, why did the committee unanimously report the bill?

Mr. SMITH of Michigan. In any event, I think my friends from Virginia and Mississippi will both acquit me of any desire captiously to criticize. I have never done so; I have gone along and done my part to sustain the administration in this trying time; but I think it is unfair to ask the people of the State of Michigan to carry these claims for \$300,000,000, which are bona fide, which are legal, which have been passed upon, and which could be paid by the Government, if it would pay them.

Mr. WILLIAMS. Mr. President, will the Senator from Michigan pardon another interruption, and then I will let him alone, unless I am further invoked to further useless controversy? In the first place, I think he will agree with me that neither the Senator from Massachusetts nor the Senator from Utah is pope, and that their opinions are not infallible.

Mr. SMITH of Michigan. Neither of those Senators make such a claim.

Mr. WILLIAMS. Their merely saying that further legislation by Congress is unnecessary does not close that question. Evidently it is necessary that there should be further legislation by Congress if we are going to make telephone messages governmental contracts.

Mr. SMITH of Michigan. I will say to the Senator—

Mr. WILLIAMS. The Senator agrees with me about that, does he?

Mr. SMITH of Michigan. I will say to the Senator, without any hesitation whatever, that a purely informal contract made by one officer and signed by another officer, and lacking the formalities which are necessary to give it a legal status, must be remedied.

Mr. WILLIAMS. It must be perfected by Congress.

Mr. SMITH of Michigan. It must be perfected; but I am talking about contracts which are bona fide.

Mr. WILLIAMS. That far the Senator from Michigan and I agree, as we always have agreed during our entire lives of co-existent public service where we understood one another. I wish to follow that up with this reflection: I think the Senator in his desire to represent his constituents, which has been peculiarly a characteristic of his ever since I first knew him—his loyalty to them, his devotion to them, his desire to see them through—is momentarily forgetful of the fact the entire United States is in more or less of the same fix—

Mr. SMITH of Michigan. Very likely; but it is none the less discreditable.

Mr. WILLIAMS. With regard to some industry or other: in other words, it is not a Michigan question; it is a war question, and we have got to remedy it. If it be true, as the Senator asserts—and I know that he believes it to be true or else he would not assert it—

Mr. SMITH of Michigan. I think I am right about it.

Mr. WILLIAMS. I say if it be true, as the Senator asserts—and I know that he believes it to be true or else he would not assert it—that there are men in Michigan who have valid contracts according to present existing law which have not been paid and which have been approved by the legal authorities of the Government and still remain unpaid, then I am with him, not because the men are from Michigan—they might be from anywhere. If that is the case, of course he is right; but in so far as that is not the case he is wrong.

Mr. SMITH of Michigan. Well, there is no ground for argument there. I would not by the action of any department of the Government validate a dishonest or a doubtful claim.

Mr. WILLIAMS. Or even an illegal one.

Mr. SMITH of Michigan. The Senator made a very fine distinction a few moments ago regarding legal and illegal claims. I can conceive that a claim might be well founded and yet lack some of the elements of the strictest legality. There is such a thing, however, as an equitable judgment, where some of the essential elements of a legal contract are lacking.

Mr. WILLIAMS. And yet if the Senator from Michigan happened to be the official to whom that claim had to be sent for his approval as a matter of law, I take it the Senator from Michigan would not approve it if it was lacking in legality, because he would subject himself possibly to impeachment, which is a very difficult procedure, but certainly to prosecution.

Mr. SMITH of Michigan. I will say to the Senator that when the Government was scanning this country with a field glass, begging its citizens to come to its aid, and those citizens came to its aid, it is not quite the fair thing to view those claims now through a microscope.

Mr. WILLIAMS. The Senator is exactly right; but when it comes to trying them out by the microscope the question arises, Who is going to try them? If the Senator and I were sworn officers of the Government to pass upon claims we would have to pass upon them by the law as the law is written, and we could not consider them for one moment, as Comptroller of the Treasury or as Auditor for the Treasury Department, a war necessity. But Congress can do so and Congress should do so, and the quicker Congress does so the better.

Mr. FRELINGHUYSEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Jersey?

Mr. SMITH of Michigan. Certainly.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Michigan whether the \$300,000,000 mentioned by him includes any invalid contracts?

Mr. SMITH of Michigan. I understand not. As I am informed, it is for contracts performed, goods delivered, and for which the money should be paid, and the money is to the credit of the department with which to make payment.

Mr. FRELINGHUYSEN. Mr. President, I am on the subcommittee of the Military Affairs Committee to consider the question of legislation in regard to the contracts with the Ordnance and Quartermaster Departments, and the situation is this: There are some 25,000 contracts at the present time which are unsettled. Six thousand of those contracts are informal or invalid contracts, verbal contracts; many of them orders given in an emergency over the telephone or by telegraph, or in other ways. There are also a number of contracts which have been made which have not been signed by the proper officer. The comptroller has stated that those contracts are illegal, and therefore some legislation is necessary to validate them. Those 6,000 contracts amount, according to the statement of the Assistant Secretary of War, to \$1,600,000,000.

In order to remedy that situation, so that the War Department can promptly settle those contracts, legislation is necessary. Assistant Secretary Crowell has stated that on the other contracts they are settling them as fast as they can, and they have committees throughout the country, officers of the Ordnance Department, most of them civilian business men although commissioned, who are settling those contracts as fast as they can. I suggest to the Senator from Michigan that if he will take up this question with Assistant Secretary Crowell undoubtedly he can ascertain what is the matter and exactly what the situation is and probably arrive at some agreement which will enable them to accomplish a more speedy settlement.

Mr. SMITH of Michigan. Mr. President, I made this public appeal because I have been impressed with its seriousness; and I desired, if possible, to facilitate the prompt adjustment and payment of these valid claims. It is too much for us to carry, and we ought not to be called upon to do it.

What has been said by the Senator from Mississippi and the Senator from Virginia and the Senator from New Jersey of course should be considered, and undoubtedly is being considered by the departments; but I can see no reason in the world for delaying the payment of these claims that are admitted. The Government of the United States is probably the best Government in the world, and represents the most advanced thought and the highest purposes, but it is the worst paymaster that I know anything about. I have seen men perform service and drag their weary legs through life begging payment over and over again.

We authorized here the other day a payment 10 or 20 years belated. I think under the inspiration of the Senator from Mississippi the Committee on Foreign Relations approved the payment of money long overdue; and it is not a good reputation to get. It is all right if they have not got the money; but the Senator from Utah says that \$10,000,000,000 that have been appropriated will be unexpended at the end of the fiscal year.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. SMITH of Michigan. Certainly.

Mr. POMERENE. This discussion seems to be general in its character as applying to the subject; and the observation made by the Senator from New Jersey [Mr. FRELINGHUYSEN] leads me to make this suggestion:

I recognize the fact that it is necessary to have some legislation to validate these contracts, and I know that several committees are now considering this subject; but I think they should bear in mind this fact, also, in bringing in this remedial legislation.

There are a great many of the principal contractors who have made subcontracts. I have in mind one concern that has six principal contracts with the Government, and on one of these contracts it has made several subcontracts. It seems to me that the money that is paid to the principal contractor ought to be distributed among the subcontractors who have contributed toward the fulfillment of the principal contract. In other words, the general creditors of a principal contractor ought not to be permitted to benefit by this legislation at the expense of the subcontractors who have given value to the Government.

Mr. SMITH of Michigan. Mr. President, the subcontractors have their remedy against a principal contractor; but the contractors that I am speaking about have no remedy at all. They can not sue the Government. They must wait; and if the money is in the Treasury, and these claims are legitimate, they ought not to be obliged to wait. That is my only contention, and I do not think there can be serious disagreement about the matter.

Mr. POMERENE. I am finding no fault with the Senator's position in that behalf.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. SMITH of Michigan. Certainly.

Mr. WILLIAMS. There can be no serious disagreement with the last utterance of the Senator from Michigan. There is none. Whenever a Government contract is valid and legal according to existing law and the proof has been made and the proper governmental authorities have passed upon it there can be no excuse for not paying it; but I rose just at this minute, Mr. President, chiefly to reinforce one thing that the Senator has said.

The United States Government is the poorest paymaster in the world upon equitable claims. It is one of the quickest and surest and best paymasters upon purely legal claims. If the Senator will pardon me for a bit of reminiscence—

Mr. SMITH of Michigan. Certainly.

Mr. WILLIAMS. I will state that one day, as a member of the Foreign Affairs Committee of the House of Representatives, a claim was presented to me as the chairman of a subcommittee growing out of the Spanish spoliation away back in 1819.

Mr. SMITH of Michigan. I was a member of the House committee at the time. I remember it.

Mr. WILLIAMS. I looked through the papers, and after I had looked through them I put into the papers a written recommendation of my own, as the chairman of the subcommittee, telling the clerk please to see the other members of the subcommittee and show them my report. Then, looking still further through the papers, I found that Daniel Webster had once recommended the payment of that claim and that Marcy, of New York, had also recommended it. So I merely added a postscript, saying that although not a very modest man I felt further reinforced in my convictions by the fact that Daniel Webster and Secretary of State Marcy, as he subsequently was—he was not then—had agreed with me with regard to that claim.

Mr. SMITH of Michigan. Was it ever paid?

Mr. WILLIAMS. Some time after that my hiatus occurred—the time during which I was neither a Member of the House nor a Member of the Senate. I had been elected to the Senate, but had not taken my seat, and I got a letter from some attorney somewhere, saying, "Do you know where the papers are in the case of So-and-so against the United States Government?"

I responded, "No. I had those papers at one time. I filed a written opinion, and I handed them back to the clerk." He said, "The clerk says those papers are still charged to you"; and, as far as I know, that claim, recommended by three such distinguished citizens as Daniel Webster and Marcy, and me, has never been paid, and the papers are lost.

Now, that is a sample of how Congress attends to business. That is not a reflection upon the Government; that is a reflection upon Congress—not that I want to reflect upon Congress. I have been too long a Member of the body, august and distinguished as it is, and I have gathered too much reflected light from its distinction to want to reflect upon it; but it is true, Mr. President, that if there ever was a Government in the world which took very little account of equities, while it took very distinct and good account of legalities, it is this Government.

I once had the honor of defining a legalist. In a late presidential campaign I said that a certain man was a legalist, and somebody in the audience—out in Wisconsin, I think; it may have been in Michigan—said: "What do you mean by 'a legalist'?" I said, "A man that can not get any hope for the future nor any confidence in the present, excepting from a precedent of the past," and the United States Congress acts that way very frequently.

Mr. SMITH of Michigan. Mr. President, I have taken more time than I intended, owing to the interruptions that have occurred; but I have nothing further to say, except this: Out of this overflowing Treasury I hope that the manufacturers and business men of Detroit particularly, and my State generally, may get these bills, that are very belated, paid. Three hundred millions of dollars is a large sum, and I think the complaint made by the Journal is justified.

I am greatly obliged to the Senator from Maryland for his courtesy in allowing me to proceed, and I yield the floor back to him.

NATIONAL PROHIBITION.

Mr. KENYON. Mr. President, in view of the announcement of the Senator from Texas [Mr. SHEPPARD] a few minutes ago as to the ratification of the prohibitory amendment by 36 States, I want to say just a word.

This marks the successful ending of the greatest moral battle waged in this country since the abolition of slavery. It has been a battle without compromise, as there can be no compromise between right and wrong. It is remarkable that this result could have been brought about so speedily. The power of the saloon is ended in the United States. As it passes to its grave it can go with the knowledge that it has been responsible for more misery and crime; more destruction of homes and debasement of character; more poverty, sorrow, and tears than any other agency the world has ever known. No one will weep over its demise. The United States will be a better and more prosperous Nation; its citizenship will be happier and more contented than ever.

I rise for the purpose, however, of felicitating the distinguished Senator from Texas, whose name will ever be associated with this movement. It must be a satisfaction to him to feel that, while the defenders of the liquor traffic may sneer at his efforts, the mothers of the Nation and the Christian citizenship of the land are thanking God that there came to Congress

a man with the courage, persistency, vision, and love of humanity that he has manifested in standing amidst all the storms of abuse, not only in the Nation, but around the Capitol, and fighting through the good fight to the end.

With due regard to the many services performed by other Senators in this body in days gone by, it is my humble judgment—and I know it is the judgment of millions of people in the United States—that no greater service has ever been performed to humanity or righteousness and to the real best interest of this Nation than has been by the Senator from Texas. I extend to him my heartfelt felicitations upon this day, truly one of triumph for him, and I extend to the State of Texas congratulations that they have in this body the man who has been the leader in this great movement.

THE CENSUS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

Mr. FRANCE resumed the speech begun by him on yesterday. After having spoken for some time,

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Maryland yield to the Senator from Vermont?

Mr. FRANCE. Mr. President, I shall later resume a discussion of this general subject, taking up particularly a discussion of the purpose of my amendment; but it gives me great pleasure to yield to the Senator from Vermont. I yield to him with the understanding that I do not lose the floor.

Mr. DILLINGHAM. Yes. I dislike to break in upon the very interesting and very able argument of the Senator from Maryland, but there is a matter on the Calendar which is of extreme importance, one which comes pretty nearly being of the highest privilege, which I had the honor to report from the Committee on Privileges and Elections. As I am called from the city this afternoon, I am very anxious to have it disposed of before going away. I ask the courtesy of the chairman of the committee that the pending bill may be laid aside temporarily by unanimous consent that this matter of privilege may be taken up.

Mr. SHEPPARD. I ask that the unfinished business may temporarily be laid aside for the consideration of the matter presented by the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? There being none, it is laid aside.

SENATOR FROM WISCONSIN.

Mr. DILLINGHAM. I ask unanimous consent that the Senate proceed to the consideration of Senate resolution 300, reported by me from the Committee on Privileges and Elections, declaring that the resolutions of the Minnesota Commission of Public Safety petitioning the Senate of the United States to institute proceedings looking to the expulsion of Senator ROBERT M. LA FOLLETTE be and the same are hereby dismissed.

There being no objection the Senate proceeded to consider the resolution.

Mr. DILLINGHAM. I ask to have the resolution read.

Mr. POMERENE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Martin, Ky.	Smith, Md.
Bankhead	Johnson, S. Dak.	Martin, Va.	Spencer
Beckham	Jones, N. Mex.	New	Sutherland
Chamberlain	Jones, Wash.	Norris	Swanson
Culberson	Kellogg	Nugent	Thomas
Cummins	Kendrick	Overman	Townsend
Curtis	Kenyon	Page	Trammell
Dillingham	King	Penrose	Underwood
Fernald	Knox	Phelan	Vardaman
Fletcher	La Follette	Poinexter	Walsh
France	Lenroot	Pollock	Warren
Frelinghuysen	Lewis	Pomerene	Watson
Gay	Lodge	Ransdell	Weeks
Gronna	McLumber	Reed	Wolcott
Hale	McKellar	Shafroth	
Henderson	McLean	Sheppard	
Hollis	McNary	Smith, Ariz.	

Mr. LEWIS. I desire to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

Mr. McKELLAR. I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. I will let this announcement stand for the day.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF] is absent owing to illness.

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Vermont asks that the pending resolution may be read.

The Secretary read Senate resolution 360, reported by Mr. DILLINGHAM, from the Committee on Privileges and Elections, as follows:

Resolved, That the resolutions of the Minnesota Commission of Public Safety petitioning the Senate of the United States to institute proceedings looking to the expulsion of ROBERT M. LA FOLLETTE from the Senate because of a speech delivered by him at St. Paul, Minn., on September 20, 1917, be, and the same hereby are, dismissed for the reason that the speech in question does not justify any action by the Senate.

Mr. DILLINGHAM. I ask that the report of the committee may be read.

The Secretary read the report of the committee, No. 614, submitted by Mr. DILLINGHAM, from the Committee on Privileges and Elections, as follows:

The Committee on Privileges and Elections, to whom were referred the resolutions of the Minnesota Commission of Public Safety petitioning the Senate of the United States to institute proceedings looking to the expulsion of ROBERT M. LA FOLLETTE from the Senate, as a teacher of disloyalty and sedition, giving aid and comfort to our enemies and hindering the conduct of the war, respectfully report that they have fully considered said resolutions and the charges contained therein, as well as the speech made by Senator LA FOLLETTE at St. Paul, Minn., on the 20th of September, 1917, to which speech said resolutions referred and upon which speech is based the petition contained therein.

Your committee have considered the entire case as presented and recommend that the petition preferred by the said Minnesota Commission of Public Safety be dismissed for the reason that the speech in question does not justify any action by the Senate.

Your committee also recommends the adoption of the following resolution:

Resolved, That the resolution of the Minnesota Commission of Public Safety petitioning the Senate of the United States to institute proceedings looking to the expulsion of ROBERT M. LA FOLLETTE from the Senate because of a speech delivered by him at St. Paul, Minn., on September 20, 1917, be, and the same hereby are, dismissed for the reason that the speech in question does not justify any action by the Senate.

LETTER FROM THE SECRETARY OF THE MINNESOTA COMMISSION OF PUBLIC SAFETY TO SENATOR FRANK B. KELLOGG, TRANSMITTING A COPY OF A RESOLUTION PASSED AT A MEETING OF THE COMMISSION HELD ON SEPTEMBER 25, 1917, TOGETHER WITH A STENOGRAPHIC REPORT OF THE SPEECH OF SENATOR ROBERT M. LA FOLLETTE.

[J. A. A. Burnquist, governor, ex officio, chairman; C. H. March, vice president; Lyndon A. Smith, attorney general, ex officio; C. W. Ames, St. Paul; John Lind, Minneapolis; John F. McGee, Minneapolis; A. C. Weiss, Duluth; John S. Pardee, secretary.]

MINNESOTA COMMISSION OF PUBLIC SAFETY.

St. Paul, Minn., September 26, 1917.

Hon. FRANK B. KELLOGG,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor, on behalf of the Minnesota Commission of Public Safety, to call your attention to the attached copy of the resolution passed at the stated meeting of the commission yesterday, September 25, together with a stenographic report of Senator LA FOLLETTE's speech.

Yours, very truly,

H. W. LIBBY, Secretary.

Resolutions.

Whereas Senator ROBERT M. LA FOLLETTE made an address of a disloyal and seditious nature at a public meeting before a large audience at the Nonpartisan League convention in St. Paul on the 20th of September. Whereas the utterances of Senator LA FOLLETTE, with all the prestige of his high office as a Senator of the United States, made under protection of a guaranty by the president of the Nonpartisan League that no disloyal expressions would be permitted during the alleged conference between producers and consumers on the high cost of living, have already served to create treasonable sentiments in the State of Minnesota, and being spread through the public press can have no other effect than to weaken the support of the Government in carrying on the war: Be it hereby

Resolved, That the Minnesota Commission of Public Safety respectfully petitions the Senate of the United States to institute proceedings looking to the expulsion of the said ROBERT M. LA FOLLETTE from the Senate as a teacher of disloyalty and sedition, giving aid and comfort to our enemies and hindering the Government in the conduct of the war; and be it further

Resolved, That copies of this resolution, together with stenographic copies of said La Follette speech, be forwarded to the President of the Senate and Senators NELSON and KELLOGG.

SPEECH OF SENATOR ROBERT M. LA FOLLETTE.

Introduced by chairman. [Continued applause.]

Mr. President, ladies, and gentlemen, it is needless for me to say anything about the importance of this conference conducted under the auspices of the Nonpartisan League. It speaks for itself. It is a nonpartisan league. Why a nonpartisan league? Why has such an organization been formed in this and other States of the Union? Because, Mr. President, ladies, and gentlemen, political parties have failed to give the people of this country real representative government. [Applause.] What is representation? Every man in this audience who stood up here when you sang that glorious anthem, "My country, 'tis of thee," answers that question. [Applause.] What was it for which men died in '76? It was that the Government established by their valor, their devotion, and their sacrifice, sealed with their blood, should be a real representative government. What is a representative government? A government that represents all the people. [Applause.] And when some of you who stood up in this audience while that glorious sentiment, set to heart-inspiring music, was being given forth—because some of us who stood up at that time have forgotten the sacrifices made

in 1776, made in the sixties, in order that that kind of government should be preserved, because some of you are testifying a devotion to liberty which you do not feel. [Applause.]

Who is it abroad over this country now waving the flags and crying out for democracy in the loudest possible tones? It is the business that is making money out of existing conditions; that is what it is. [Applause.] You new converts to democracy are masquerading in the liver of heaven while you serve the devil. [Applause.] Think for a moment for what Washington's Army starved and froze at Valley Forge, warning their stiffening fingers by little campfires. It was that we should have builded up here in this country of ours the only Government on this earth that should be truly representative of the people. [Applause.] What does that mean? It meant the election of two United States Senators from every State in the Union, a Member of Congress from every unit of representation agreed upon, who are to assemble at the seat of Government under the Constitution on the first Monday of December in each year, and there, representing never themselves, never the United States Co., never the ammunition makers, but always representing the people, they should vote for laws that were for the good of the Republic. That is what is meant. [Applause.]

Fellow citizens, when it becomes necessary for an organization, or when any considerable number of people come together in State after State of the Union and seek to form a nonpartisan league in order that they may get true representative government, it means that some power has come between the people and their representatives, and that they are not getting representative government under partisan domination. [Applause.] I am reminded, as I face this magnificent audience here to-night, I am carried back in memory to the early seventies. Do you realize, fellow citizens, that here at the head of the Mississippi Valley, here in what was called the Old Northwest, in the early seventies was formed the great granger movement to grapple with corporate power and restore representative government to the people of that day? [Applause.]

Have you forgotten, or is it possible that the younger generation have never been informed, that here at the head of the valley formed by the great Father of All the Waters was cradled the first independent institution which went out to fight corporate power in the United States? Minnesota, Wisconsin, Michigan, and Iowa were the four Commonwealths that for the first time in the history of the government of men declared the right of the people to have administered to them a control of the highways that lead to market? Are you aware of the fact that you are inheritors of a precious legacy here in Minnesota—a legacy that has not always been protected—here in Minnesota and in the State of my nativity lying to the south, in Iowa, and in Michigan was born the first great independent farmer movement for the control of railroad transportation, for the subjection of great corporations to public interests instead of permitting those corporations to control ruthlessly in their own interests all of the highways leading to the markets of the country? [Applause.]

Fellow citizens, you are the descendants of the men who made that wonderful historic contest; for, let me say to you that out of that movement that started in these four States that problem for the first time in the history of the world, the right of the public to fix charges upon the iron highways of commerce, that out of that wonderful movement started in the homes of the farmers of Minnesota, Iowa, Wisconsin, and Illinois—I said Michigan a moment ago; I should have said Illinois—of those four States in the homes of those farmers started that movement for the first time in the history of the world, asserting the right of the public to control railway transportation and railway rates over the railroads leading to the markets of the country. From that propitious hour there spread to the East and to the West that movement the germ of which was the right of the public to control transportation companies until it became the settled law of the land. When it was first asserted by the people of Minnesota, Iowa, Wisconsin, and Illinois, the owners of the railroads denounced it as an interference with private property and private rights; but the old granger movement, pursuing that great ideal, insisted that when these corporations are permitted to take private property on which to build their depots and their rights of way, that they at once become the servants of the people and their property is subject to public control. [Applause.]

It can not be too strongly emphasized—and I speak of it in connection with this nonpartisan farmers' movement—it can not be too strongly emphasized that that wonderful assertion of a public right was the result of the logical thinking of the farmer as he followed his plow. He reasoned that if the corporation had a right to take his property without his consent, and at a price fixed by the public, on which to build its depot grounds and its right of way, it must be in the same position that the county or the State or the township is in when it takes his property to build a highway, to locate a school building, or to build a public institution; that it was taking his property without his consent, and at a price fixed by statute; that it was taking that property under a public right, and that the highway, the iron highway, the depot, and yards so taken should not be considered as private property. That was a wonderful piece of reasoning upon the part of the men who followed the plow. But let me say that the advanced political thought, that the advanced political philosophy, that the advanced social philosophy of this country of ours finds the germ and the development and the fruition upon the farms of the country; and it is for that reason that agriculture is the basis of statehood; it is the basis of stable business, of a government of the people, by the people, and for the people. [Applause.]

So I have a faith that this new movement up here, known as the nonpartisan organization, born on the farms of this old Northwest Territory, contains within it the seeds of a great social and political advancement. [Applause.] And, Mr. President and fellow citizens, ladies and gentlemen, I know you will pardon me for harking back to the old Granger movement. I am constrained to believe that this new movement is another crop of the seed of that time. [Applause.] Now, fellow citizens, there would not be the slightest occasion in the world for the organization of a nonpartisan league, and you would not be able to enlist the farmers of a dozen or 15 or 20 States in this union unless there was something fundamentally wrong with our Government. There is something fundamentally wrong with it. [Applause.] Of course, I know the fellows who are waving the flags of to-day most frantically, the bloated representatives of wealth who are shouting loudest for democracy to-day, are trying to invest this particular time with a new form of democracy; a democracy that has attached to it as a cardinal principle, not liberty, not equality, but profit. [Applause.]

But, my friends, you can not enlist the thinking, intellectual, conservative population found upon the farms in this section of the country, which was known when I was a boy as the old Northwest Territory; you can not stir populations very deeply and very profoundly

unless there is a profound reason for it; and that profound reason, if you will be a bit analytical, you will find is due to the fact that the very men who are shouting at the top of their voices about democracy to-day are the men who have been pillaging the hard-working sons of toil not only upon the farms but in the factories of the country. [Applause.] But, fellow citizens, I like the advent of this organization, for I know full well that it has already acquired a momentum that will carry it forward. No order from some secret-service employee or from some department of justice will be able to throttle this great movement that stands for real representative government. [Continued applause.]

Mr. President, ladies, and gentlemen, when I speak in this tone of voice do you get me back there against the wall? Are you able to hear me when I talk in this tone of voice back there in the alcoves? [Voices: "Yes."] [Laughter.] I will use a little less voice, because I want to be heard and at the same time I want to save my voice. I have got use for it [laughter and applause], and I purpose to use it for constitutional liberty, for free speech. [Continued applause.]

Now, I do not take the political dope of any papers that serve interests hostile to representative government. [Applause.] Fellow citizens, I come before you here to-night to talk to you particularly about this great movement you have adopted up here, and to give you a word of encouragement, to bid you to be brave, not to be intimidated because there may chance to be sneaking about here and there men who will pull back their coats and show a secret-service badge. [Applause.] Until Bunker Hill is destroyed, unless Little Round Top and the Hornet's Nest at Gettysburg shall have been obliterated and relegated to oblivion, there shall still be free speech in this country. [Applause.] Mr. President, I have stood all my life for law and order. [Applause.] Twenty years ago this very season at a little farmers' gathering in Ferndale, Wis., I opened the fight against corporate power in that State. I was denounced then as an iconoclast and a destroyer of conditions that ought to be preserved, just as some of the advanced thinkers of to-day are denounced for proclaiming, not a new doctrine but the doctrine of Franklin and Madison and Adams and Thomas Jefferson. [Applause.] What was the central thought of the little speech I delivered on that day? It was only this, that the corporations in Wisconsin were not paying their fair share of the taxes, and that they ought to be made to pay them, just as the farmers and owners of lands did. That was all; but that was considered treason. [Laughter.] Just as the same things are denounced as disloyal to-day; but, fellow citizens, I did not stop then and I won't stop now. [Applause.]

And then, 20 years ago, I was just asking for justice and equality in government, in taxation, and, fellow citizens, I came from Washington directly here, and on the floor of the House of Representatives, and in the Committee on Finance, the greatest committee in the Senate, I have been struggling for this same thing that I struggled for down at the Ferndale picnic in Wisconsin 20 years ago. There is not a shade of difference in principle. The only difference lies in the fact that where we in Wisconsin were considering thousands and hundreds of thousands, in this great Government of ours and in the times in which we find ourselves now, we are considering billions upon billions beyond the power of the human mind to grasp; that is the only difference. [Applause.] A little handful of men in Washington have been demanding—only a little handful of men—have been demanding that the taxation should be laid according to the principles that prevail wherever justice prevails, that taxation shall be laid according to the ability of the property to meet the taxes. [Applause.] We have been contending for that principle in Washington, just the same as in a smaller way I was contending for that principle in the first speech made on the 27th of August, 1897, to a farmers' picnic in Ferndale, Wis., which opened the campaign that lasted through a decade or a decade and a half of time.

Fellow citizens, the organization of the Nonpartisan League—and I come back to that as I shall from time to time during the limited space that I can speak to you—the Nonpartisan League finds its birth and its reason for existence in the fact that the burdens of government are not equally laid upon the people of this country. [Applause.] You could not organize a township in North Dakota, you could not enlist the sober, thinking mind on the farms in a county in this great and wonderful expanse of territory if you didn't have justice and right, if you didn't have a real grievance, for there are no men who think deeper, who reflect more soberly and conservatively, and I emphasize that word "more soberly and conservatively" than the farmers of this great country of ours. [Applause.] And I tell you, fellow citizens of our great and glorious country, when any considerable number of farmers, the leaders of the conservative population of this country, rise up en masse to demand a redress of grievances—look out. [Applause.] There is something radically wrong or you couldn't enlist them.

Now, fellow citizens, we are in the midst of a war. For my own part, I was not in favor of beginning the war. [Continued applause.] I didn't mean to say we had not suffered grievances. We had, at the hands of Germany, serious grievances; we had cause for complaining; they had interfered with the right of American citizens to travel upon the high seas on ships loaded with munitions for Great Britain. [Applause and yells.] And, gentlemen, I would not be understood as saying we didn't have grievances; we did, and upon those grievances, which I have regarded as insufficient, considering the amount involved and the rights involved, which was the right to ship munitions to Great Britain with American passengers on board to secure a safe transit. [Laughter and applause.] We had a right, a technical right, to ship munitions, and the American citizen had a technical right to ride on those vessels. I was not in favor of riding on them [laughter], because it seemed to me when the consequences resulting from any destruction of life that might occur would be so awful, I say [a voice: "Yellow"]—any man who says that in an audience where he can conceal himself is yellow himself. [Cries: "Put him out."] I say this, that the comparatively small privilege of the right of an American citizen to ride on a munition-loaded ship flying a foreign flag is too small to involve this country in a loss of millions and hundreds of millions of lives. [Applause.]

Now, fellow citizens, I didn't believe we should have gone into this war for that poor privilege, the right of an American citizen to travel upon a foreign vessel loaded with munitions of war, because a foreign vessel loaded with munitions of war is technically foreign territory [applause], and an American citizen takes his own life in his own hands just as much as he would if he were on the territory of France and camped in the neighborhood of an arsenal. Mr. President, it has sometimes occurred to me that the shippers of munitions of war, who are making enormous profits out of the business, should not have encouraged American citizens to ride on those ships in order to give a sort of semblance of safety to the passage of their profiteering cargo abroad. [Applause.] But, Mr. President, we went into the war by the adoption by Congress of a declaration of war in constitutional form; therefore we are in the war legally. I was not in favor of going into the war illegally. I resisted

the right to arm merchantmen when I knew that that would result in producing a condition that would bring about war without a declaration by Congress; and the Constitution says that Congress, and not the acts of the President, shall bring on a war with a foreign Government. [Applause.] But war was declared, and lawfully declared; it was not brought about by unlawfully and tyrannically arming of merchant ships. I had a little bit to do with stopping that on the 4th of March, and I put it to my everlasting credit that I was able to do it. [Applause.]

We are in the war, and we are at least lawfully in the war. Now, then, the war entails expenses. You can not run a war these days without paying for it; it is a costly enterprise. Every one of the nations, of the belligerent nations of Europe, is reeling under the financial burdens of the war, this of all wars in the history of the world, has laid upon them. Every one of the belligerent nations, up to last April, when we entered the war, had passed the line of safety so far as ever being able to redeem their financial obligations were concerned; every one except Great Britain. Whenever any Government is paying out for its obligations—for its current obligations—more than 25 per cent of its income, that nation has passed the line where it is safe to loan to it, and every belligerent nation in Europe last April, excepting Great Britain, had passed that line. Never—and this is a triteness to say—never before in the history of the human race was a war in progress that so, day after day, hour after hour, and moment after moment, sapped the very lifeblood, the financial lifeblood, of the existence of the nation as a stable entity—and, fellow citizens, it behooves a nation to consider well before it enters upon a war of that sort how much it has got at stake. If all it has got at stake is the loans the house of Morgan makes to foreign Governments, and the profits that the munition makers will earn in shipping their products to foreign countries, then I think it ought to be weighed, not in a common hay scale, but in an apothecary's scale. [Applause.]

Ah! But somebody will tell you American rights are involved. What American rights? The right of some venturesome person to ride upon a munition-laden vessel in violation of an American statute that no vessel which carries explosives shall carry passengers. Four days before the *Lusitania* sailed President Wilson was warned in person by Secretary of State Bryan that the *Lusitania* had 6,000,000 rounds of ammunition on board, besides explosives, and that the passengers who proposed to sail on that vessel were sailing in violation of a statute of this country, that no passengers shall travel upon a railroad train or sail upon a vessel which carries dangerous explosives. [Applause.] And Mr. Bryan appealed to President Wilson to stop passengers from sailing upon the *Lusitania*. I am giving you some history that maybe has not come to you heretofore—the grievances that carried this country into the war, into a war the results of which, as to the loss of life and burdens, financial burdens, that shall be laid upon us can not be calculated by any mind. I say that the conditions that carried us into that war needed to be weighed carefully, for I announce no new doctrine, but the doctrine of Daniel Webster, who said when the Mexican War was on that it was the right of the people of this country to determine for themselves whether there has been a sufficient grievance of the people to incur all the burdens and risks that go with a war of this kind.

I have only got a few minutes more if I make my train. It involves another engagement.

Fellow citizens, I am going to use it in the way I believe the extreme man on the other side will say is loyal to the interests of this Government. We are in this war. We have got to finance it. How shall we do it? Now, let me say to you that there are three ways of financing the war. First, by raising all the money that the war costs by taxation and paying the expenses of the war day after day as the war goes on. That policy of financing a war is called the plan of paying as you go. The founder of the science of political economy was Adam Smith. No one has ever discovered a new principle involved in that science from the days of that wonderful man down to this hour to-night. And from Adam Smith down through the line of great political economists—Ricardo, John Stuart Mills, on down to the political economists of the present day—one and all, with such rare exceptions as to be unworthy of notice, one and all have said there is but one sound way of financing a war, and that is to impose taxes sufficient, while the war is on, to pay the expenses of the war. That you have no business and no right to hand it on to other generations; the generation that makes the war should pay for the war. [Applause.] But that is not all. Those great economists have said another thing. It was an enunciation of a great economic truth, and that is if you finance the war in any other way you impose a double burden not only on the people of to-day but upon your children of the next generation. I said there was one way of financing the war. There are three ways—that laid down by the great political economists of all times, that you should pay as you go; that you should levy enough taxes at the time to carry the expenses of the war. Of course, if you are going to do that you have to put the taxes chiefly upon the wealth of the time. [Applause.] Some people don't like that way. Then there is another way, and that is that you shall borrow, borrow, borrow; issue bonds, mortgage the Government and the generations to come in order to pay the expenses of the war. That is the opposite of paying as you go.

Every time you issue bonds you inflate the currency and prices, and you make it harder for the people of that particular time, because you put a mortgage on at a rate of interest not of the Government's choosing, for when the Government is in war and starts in upon the loan policy it can not fix the interest; it can not fix any of the conditions of the bonds; it goes to the money lender with its hand out, its hat in its hand, and says, "What will you furnish the money for?" and the money lender, the wealth of the country, looks out for itself. [Laughter and applause.] Show me any war or any time when wealth has been patriotic, when wealth has said, "We don't care for interest; we don't care for profit; we are going to take care of the country." Do you know that J. Pierpont Morgan laid the foundation of his fortune, the first \$25,000 that he ever made he made in buying rifles of the Government, condemned rifles, at \$2.50 apiece, and selling them back to the Government, disguised a little bit, at about \$22.50 apiece? [Applause.] Do you know that a part of the great fortune of Vanderbilt, the commodore of war time, do you know how that was made? That was made by picking up condemned ships for almost nothing and selling them to the Government for a good round price. [Applause.]

But, fellow citizens, I wish I could stay with you all night. Do you know that congressional committees in the time of the sixties were busy for months and years investigating the frauds perpetrated upon the Government by the wealth of that country seizing upon the dire necessities of this Republic to make fortunes out of it, out of those conditions? And if you think the animal has changed its spots or shed its skin come down to Washington and see for yourselves. [Applause.]

So, fellow citizens, you have to consider this thing, and that is the carrying of the burdens of the present war. How shall they be carried? Politics economy says they shall be carried by the principle of pay as you go; and the big interests want to meet them out of long-time mortgages in the shape of bonds, and thus pay the expense of the war

by borrowing. There is not much of a question but that the correct plan is to pay as you go. Do you know, about as soon as the war clouds began to show over the horizon, that 350 of the great economists of the United States, representing the best universities and colleges of the country, petitioned Congress in a petition, the logic and power of which to me was irresistible, that this war should be financed by imposing taxes upon surplus incomes, war profits, and other source of revenue, so that we should pay as we go? [Applause.] But that petition fell into the hands of the Philistines. [Applause.] And if it ever saw the light of day, if it was the subject of comment upon the floor of either House, I venture to say it was at the time when I made the argument against the plan proposed, and in the tax bill which has just passed, I quoted largely from that petition in the making of that argument. Fellow citizens, no war has ever been financed as Adam Smith and all of his successors have said it ought to be financed. Why? Why, because wealth is always potential in government, and wealth never saw war financed wholly by taxation for the reason that wealth would have to pay the bulk of the taxes. As the underlying principle of taxation is that the burden of taxation must be borne according to the ability of the owners of property to bear the taxes, no Rockefeller would have to pay more, considerably, than the farmer in North Dakota. [Laughter.]

So wars have never been financed upon the sound economic principles; wars have always been financed with a struggle between the people on one side and wealth upon the other; wealth contending that the war should be financed by loans, and the people contending that the war should be financed by taxation of wealth, and wealth always being more potential than the people, but I trust that after the Nonpartisan League gets well under way that that won't be the condition in this country. [Applause.] But it has been the condition, and so most of the wars have been financed by both taxation and bond issues, and too frequently the bond issues have been the largest part of the cost of the war. Great Britain, more than any other country in the world, has financed her wars by taxation, and in proportion, in fair proportion, by the bond issues. The greatest wars that ever Great Britain participated in were the Napoleonic wars, and the Napoleonic wars were financed by Great Britain upon a fifty-fifty basis; indeed, 52 per cent of the expenses of the Napoleonic wars was paid by present taxation and 48 per cent of the expense was paid by loans, was carried by loans. In the Crimean War Great Britain paid practically an equal amount by taxation and by loans. But, fellow citizens, every Government that has paid the majority of its expenses by loans instead of taxation has paid a dear price for yielding to wealth as to the way in which the war should be carried on and financed. For always and always in proportion as your loans exceed the amount of money raised by taxes, just in the proportion you swell the prices that the people have to pay during the war, because the issuance of your bonds inflates the currency, and is followed always by accessory legislation, additional legislation, which accentuates that condition.

Now, fellow citizens, what happened after we declared war? In view of this history, in view of the warnings of the great economists of the country that we ought, if we were going to proceed upon a sound economic basis, that we ought to finance this war as largely as possible by taxation instead of bond issues, what happened? We passed the declaration of war; the die was cast; we were in the thing. We had to shoulder the financial burdens, awful as they are. The first thing that high statesmanship required of this country was the making of a plan for financing the war as nearly sound in economic principle as possible. John Sherman, the greatest financier this Government ever produced, speaking after the Civil War upon a bill to refund some of the war debt at a lower rate of interest, said that the financing of the Civil War ought to have been at least upon a fifty-fifty basis; that is, that at least one-half of it ought to have been raised by taxes instead of by dealing with the bondholders. But, fellow citizens, then, as in every other great crisis, the money power was too potential, and the Civil War was financed not upon a fifty-fifty basis; it was financed upon a basis that was about 30 per cent pay as you go and about 70 per cent—when you take the whole thing covering the four-year period—about 70 per cent by bond issues. But, fellow citizens, do you know that we struggled with the experiments, the financial experiments, that grew out of the financing of the War of the Revolution for a period of more than 30 years? Wrong financing of that war was in a large measure responsible for the worst panic that ever shook this Government to its commercial and financial foundations. And you can never do an economic or financial wrong that you do not have to settle for it. And so, fellow citizens, those who were responsible for the bringing on of this war, it should have been their first care to see that it was as largely financed by taxation as possible. There never was a time before in the history of the world when a war could be so largely and advantageously financed by taxation as this war. Why? Because never before in the history of the human race were great corporations making the enormous war profits that the corporations of this country have been making for the three years that the European war has been on and we have been at peace, and those enormous profits warranted the assessment of the very highest percentages of taxation against the war profiteers in order that this war should be properly financed.

Fellow citizens, it is only 20 minutes to train time. Let me say I have got to go. I do not like to go, but I want to say a few words in conclusion to you. I am going to say this: We passed a bill that levies only 31 per cent, on the average, upon war profits, and that, too, when the owners of these great profit-making concerns have had three years of the richest picking that was ever known in the history of mankind. [A voice: "Shame on Congress!"] Yes; shame on Congress. Yes; and shame on the administration, for the administration approved the bill. I am willing that Congress should bear all that it ought to bear, but I tell you that it has got an awful load of responsibility on it. It has not met those responsibilities; it shirks almost everything; it takes what the administration sends down, looks at it poyeyed, and swallows it. And yet our forefathers, when they established this great Government of ours, said that the safety of the Republic depended upon the independence of each of the departments as to the other departments—the judiciary independent of the executive and the legislative; the executive department independent, under sanction of the Constitution, of the legislative and the judiciary; and the legislative department absolutely independent of the executive and judiciary. The legislative department was looked upon by the men who made this Government for us as the repository of the liberties of the people, and they fixed the term of the election of the Members of Congress at two years so they could bring them back home and look over their work, so that if it was not satisfactory they could elect other men in their places.

Now, then, fellow citizens, I say that Congress has not met its responsibilities. Let me give you one instance of it—one I want you to put away in your hearts and minds and take home with you and reflect on it. Under the Constitution Congress has the right, the absolute

right, to determine the objects and purposes of every war in which we engage. [Applause.] I am giving you the Constitution for it. Why, do you know that Abraham Lincoln, Daniel Webster, Charles Sumner, Henry Clay, and I might call the roll of all the great statesmen of that period, when the Mexican War was on, after war had been declared, and they believed that the war was a wrongful war, they stood in their places in Congress and denounced that war, and Abraham Lincoln voted for a resolution to recall the American troops from Mexico? [Applause.] And yet in these days, 1917, with the flags all about us commemorating liberty, constitutional liberty, we are inhibited from even discussing this war, from even suggesting that there might be some way with honor and credit to our Government to terminate it and stop the awful slaughter and the awful expense. [Applause and yells.] Let me say, in a word, if Abraham Lincoln was a patriot, if Daniel Webster was a patriot, if Clay and Webster and Lincoln and all the men of that time understood the Constitution and the rights of the people, you, the humblest one of you, have the right to discuss freely the question of whether this war might not be terminated with honor to the Government and the awful slaughter discontinued.

I thank you for your patience. [Applause.]

LETTER OF CHAIRMAN TO SENATOR LA FOLLETTE.

OCTOBER 5, 1917.

MY DEAR SENATOR: By direction of the Committee on Privileges and Elections, I hand you herewith a copy of a speech purporting to have been made by you in St. Paul, under the auspices of the Nonpartisan League, on the 20th day of September, 1917.

I am also requested to ask you whether or not this is a correct copy of the speech made by you; and if it is not a correct copy, will you kindly state wherein it is not correct and give us a correct statement thereof.

If you feel free to comply with this request at your earliest convenience, it will be appreciated greatly by the committee.

Very sincerely,

ATLEE POMERENE,

Chairman Committee on Privileges and Elections.

HON. ROBERT M. LA FOLLETTE.

United States Senate, Washington, D. C.

[Original and copy of speech delivered to Senator LA FOLLETTE'S son at the Senator's room in the Capitol at 2.30 p. m. Friday, Oct. 5, 1917. J. F. O'Rourke.]

REPLIES OF SENATOR LA FOLLETTE.

UNITED STATES SENATE,

Washington, D. C., October 5, 1917.

DEAR SENATOR: I have the honor to acknowledge receipt of your communication as chairman of the Committee on Privileges and Elections, transmitting a purported copy of a speech delivered by me at St. Paul on the 20th day of September, 1917, upon the invitation of the Nonpartisan League.

The matter which you inclose is not a correct copy of the speech, but I will not at this time undertake to state wherein it is not correct. I will however, do so just as soon as I can secure a transcript of the speech which is accurate.

At least two copies addressed to me have been transmitted from St. Paul within the last week, neither of which has been received. I am wiring for copies again to-day.

Assuring you, and through you the committee, that I will comply with your request at the earliest possible date, I am,

Sincerely, yours,

ROBERT M. LA FOLLETTE.

HON. ATLEE POMERENE,

Chairman Committee on Privileges and Elections,
United States Senate.

UNITED STATES SENATE,

Washington, D. C., October 11, 1917.

HON. ATLEE POMERENE,

Chairman Committee on Privileges and Elections,
United States Senate.

MY DEAR SENATOR: Since my letter to you of the 5th instant I have received a transcript of the speech referred to by you in your letter to me of that date. The transcript I have received is from the notes of the official reporter of the Nonpartisan League, who was present to report the proceedings.

I have compared the transcript received by me with the committee print which you furnished to me. The fact is, as both transcripts show, I spoke extemporaneously. I had with me a few notes on the revenue bill, upon which I expected to speak more fully than I did. But the digressions caused by questions and suggestions from the audience led me to put my notes aside. I desire to aid the members of the committee in their investigation to the end that they may have as nearly as possible the same understanding of all that transpired in the St. Paul meeting as they would have if the members of the committee had been personally present. I am therefore furnishing the committee with the transcript of what I said according to the notes of the official reporter of the Nonpartisan League, omitting therefrom merely extraneous matter involving the comments and explanations of the reporter.

There were two interruptions from the audience not shown in the transcript of the official report of the Nonpartisan League, but which I recall and which are also shown by other reports of the proceedings. Thinking that these might have significance in your consideration of the subject matter of the speech, I here refer to them. One is the question from the audience: "How about the Lusitania?" Of course, all that I said upon that subject was said because of this interruption. I had no intention of referring to it. The New York Times's report of the meeting and other press reports show this to be as here stated, and it accords with my recollection.

The transcript of the official reporter of the Nonpartisan League is, of course, at your service if you desire the same.

The second interruption which I note as not appearing in the text of the transcript furnished me shows that the expression "Shame on Congress" came from the audience, and that I replied as shown in the context of the speech. This so appears in the print of the speech furnished by you, at page 11, line 3. With these interruptions, the transcript of the speech I am herewith submitting is substantially correct so far as I can now recall.

You did not indicate what particular portions of the speech you had under consideration, and I have gone over it generally to make certain that it is substantially correct. As you will observe by comparing the two texts of the speech, there are many differences between them. If

any of these differences have any significance for the purpose of your investigation and you desire to direct my attention to any particular language in either text, I will be glad to give it further consideration.

I assume that the wholly false reports sent out by the press generally, to the effect that I stated in various forms "We had no grievance," is receiving no credence from you, since that is contrary to the text of the speech you furnished me. I shall be very glad, however, if your investigation is sufficiently broad to take in an inquiry into the causes which led to the publication generally of these grossly false statements by the press.

Permit me to say that if it is the purpose of the committee to make an investigation as to my statement of fact in the speech, then I request that the committee advise me what statement of fact is so called into question and in what respect its correctness is questioned.

Furthermore, if any issues of fact are to be raised by testimony concerning any statements in the speech, then I ask to be accorded the right to question anyone so testifying, and that I be permitted to call witnesses to meet the testimony which may be so offered.

If the speech is to be otherwise questioned or my right to make it considered by the committee, then I respectfully request that I be so advised by the committee, and that I be given an opportunity to be heard thereon in person and by counsel.

Very respectfully, yours,

ROBERT M. LA FOLLETTE.

SPEECH OF ROBERT M. LA FOLLETTE, DELIVERED AT THE MUNICIPAL AUDITORIUM, ST. PAUL, MINN., SEPTEMBER 20, 1917.

[NOTE.—The transcript of the speech which follows should be read in connection with the corrections indicated in the foregoing letter.]

MR. PRESIDENT, ladies, and gentlemen, it is needless for me to say anything about the importance of this conference conducted under the auspices of the Nonpartisan League.

It speaks for itself.

It is a nonpartisan league.

Why a nonpartisan league? Why has such an organization been formed in this and other States of the Union?

Because, Mr. President, ladies, and gentlemen, political parties have failed to give the people of this country real representative government! [Cheers and applause.]

What is representative government?

Every man or woman in this audience who stood up here to-night when you sang that glorious anthem, "My Country 'Tis of Thee," answers that question. What was it for which men died in '76?

It was that the Government established by their valor and their devotion and their sacrifice, sealed with their blood, should be a real representative government.

What is a representative government?

A government that represents all of the people! [Cheers and applause.]

And when some of you who stood up in this audience while that glorious sentiment, set to heart-inspiring music, was being given forth, because some of you who stood up at that time have forgotten the sacrifices made in '76, made again in the sixties, in order that that kind of a government should be preserved. Because some of you are testifying a devotion to liberty which you do not feel! [Applause.]

Who is it, abroad over this country now, waving the flags and crying out for democracy in the loudest possible tones? [Cries from the audience: "The profiteers!" "Big business!"]

It is business that is making money out of existing conditions. That is what it is. [Cheers and applause.]

You new converts to democracy are masquerading in the livery of heaven while you serve the devil! [Cheers and applause.]

Think for a moment for what Washington's army starved and froze at Valley Forge, warming their stiffening fingers at the meager camp fires! It was that we should have builded up here in this country of ours the one government on this earth that should be truly representative of the people. [Cheers and applause.]

What did that mean? It meant the election of two United States Senators from every State of the Union, and a Member of Congress from every unit of representation agreed upon, who are to assemble at the seat of government, under the Constitution, on the first Monday of December in each year, and there represent, never themselves, never the United States Steel Co., never the munition makers, but always representing the people.

They should vote for laws that were for the good of the Republic. That is what is meant. [Cheers and applause.]

Fellow citizens, when it becomes necessary for an organization, or when any considerable number of people come together in State after State of the Union and seek to form a Nonpartisan League in order that they may get true representative government, it means that some power has come between the people and their representatives, and that they are not getting representative government under partisan domination! [Cheers and applause.]

I am reminded as I face this magnificent audience here to-night, I am carried back in memory to the early seventies. Do you realize, fellow citizens, that here at the head of the Mississippi Valley, here in what was called the old Northwest, in the early seventies, was formed the great granger movement to grapple with corporate power and restore representative government to the people of that day? [Applause.]

Have you forgotten, or is it possible that the younger generation have never been informed, that here at the head of that valley, formed by the great father of all the waters, was cradled the first independent institution which went out to fight corporate power in the United States?

Minnesota, Wisconsin, Michigan, and Iowa were the four Commonwealths that for the first time in the history of the government of men declared the right of the people to have administered by them the control of the highways that lead to market.

Are you aware of the fact that you are inheritors of a precious legacy here in Minnesota? A legacy that has not always been protected; but here in Minnesota, and in the State of my nativity lying to the south, and Iowa and in Michigan, was born the first great independent farmer movement for the control of railroad transportation—for the subjugation of great corporations to public interests, instead of permitting these corporations to control ruthlessly in their own interest all of the highways leading to the markets of the country.

Gentlemen, you are the descendants of the men who made that wonderful historic contest. For let me say to you that out of that movement that started in these four States, that proclaimed for the first time in the history of the world the right of the public to fix the charges upon the iron highways of commerce, that out of that wonderful movement started in the homes of the farmers of Minnesota, Iowa, Wisconsin, and Illinois—I said Michigan a moment ago; I should have said Illi-

nois—in those four States, in the homes of those farmers, started that movement for the first time in the history of the world asserting the right of the public to control railway transportation and railway rates over the railroads leading to the markets of the country.

From that propitious hour there spread to the East and to the West that movement the germ of which was the right of the public to control these transportation companies until it became the settled law of the land.

When it was first asserted by the people of Minnesota, Iowa, Wisconsin, and Illinois the owners of the railroads denounced it as an interference with private property and private rights. But the old granger movement, pursuing that great ideal that when these corporations are permitted to take private property on which to build their depots and their rights of way, that they at once became the servants of the people, and their property is subject to public control. [Applause.]

It can not be too strongly emphasized—and I speak of it in connection with this nonpartisan farmers' movement—it can not be too strongly emphasized that that wonderful assertion of a public right was the result of the logical thinking of the farmer as he followed his plow. He reasoned that if the corporation has a right to take his property without his consent, and at a price fixed by the public, on which to build its depot grounds and its right of way, it must be in the same position that the county or the State or the township is in when it takes his property to build a highway, to locate a school building, or to build a public institution. That it was taking his property without his consent and at a price fixed by the public—by statute. That it was taking that property under a public right, and that the highway, the iron highway, the depot, the right of way so taken could not be considered as private property.

That was a wonderful piece of reasoning upon the part of the men who followed the plow. And let me say to you that the advanced political thought, and the political philosophy, social philosophy, of this country of ours finds the germ and the development and the fruitage upon the farms of the country. [Cheers and applause.]

And it is for that reason that agriculture is the basis of statehood. It is the basis, the stable basis, of a government of the people, by the people, and for the people. So, I have faith that this new movement up here, known as the nonpartisan organization, born on the farms of this great old Northwest Territory, contains within it the seeds of a great social and political advancement. [Cheers and applause.]

And, Mr. President and fellow citizens, ladies and gentlemen, I know you will pardon me in harking back to the old granger movement. I am constrained to believe that this new movement is but another crop of the seedling of that time. Now, fellow citizens, there would not be the slightest occasion in the world for the Nonpartisan League, and you would not be able to enlist the farmers of a dozen, 15, or 20 different States in this Union unless there was something fundamentally wrong with our Government.

There is something fundamentally wrong with it. [Cheers and applause.]

Of course—of course, I know that the fellows who are waving the flags of to-day most frantically [laughter], the bloated representatives of wealth, who are shouting loudest for democracy to-day, are trying to invest this particular time with a new form of democracy. [Laughter, cheers, and applause.]

A democracy that has attached to it as a cardinal principle not liberty, not equality, but profits! [Laughter, applause, and cheers.]

And, my friends, you can not enlist the thinking, intellectual, conservative population found upon the farms of this section of the country, which was known when I was a boy as the old northwest territory; you can not stir that population very deeply and very profoundly unless there is a profound reason for it. [Applause.]

And that profound reason, if you will be a bit critical and a bit analytical, you will find is due to the fact that the very men who are shouting at the top of their voices about democracy to-day are the men who have been pillaging the hard-working sons of toil, not only upon the farms but in the factories of the country. [Cheers and applause.]

Oh, fellow citizens, I welcome the advent of this organization, for I know full well that it has already secured a momentum that will carry it forward. [Cheers and applause.]

No orders from some secret-service employees, or from some Department of Justice, will be able to throttle this great movement that stands for real representative government. [Cheers and applause.]

Mr. President, ladies, and gentlemen, when I speak in this tone of voice do you hear me back there? [Laughter.]

Are you able to hear me when I talk in this tone of voice, back there in that alcove? [A voice from the audience: "Yes!"]

Well, all right. [Laughter.] I'll use just a little less voice, then. Because I want to be heard, and at the same time I want to save my voice. [Laughter.] I have got use for it. [Laughter and applause.]

And I propose to use it. [A voice: "Good!"]

Our Constitution will never fall us for free speech! [A voice from the audience: "We don't take the Tribune, Bob!"] [Another voice: "No—the Journal, either!"] [A voice: "We don't subscribe!"]

No—I don't take the political dope of any paper that serves interests hostile to representative government! [Applause and cheers.]

Now, fellow citizens, I came before you here to-night to talk to you particularly about this great movement that you have started up here, and to give you a word of encouragement. To bid you to be brave! Not to be intimidated because there may chance to be sneaking about here and there men who will pull back their coats and show a secret-service badge. [Laughter and applause.]

Until Bunker Hill is destroyed, until Little Round Top, and the Hornet's Nest at Gettysburg shall have been obliterated and relegated to oblivion, there shall still be free speech in this country! [Great cheering.]

Mr. President, I have stood all my life for law and order. [Cheers and applause.]

Twenty years ago this very season, at a little farmers' gathering in Ferndale, Wis., I opened the fight against corporate power in that State. [Cheers and applause.]

I was denounced then as the Nonpartisan League has been denounced now. I was denounced then as an iconoclast and a destroyer of conditions that ought to be preserved, just as some of the advanced thinkers of to-day are denounced for proclaiming, not a new doctrine, but the doctrine of Franklin and Adams and Thomas Jefferson. [A voice: "And Thomas Paine!"]

What was the kernel, what was the center of thought of the little speech that I delivered on that day? It was only this. That the corporations in Wisconsin were not paying their fair share of the taxes; and that they ought to be made to pay up just as the farmers and owners of homes! [Laughter.]

That was all. But that was considered "treason"! [Laughter.] Just as some things are denounced as disloyal to-day. [Laughter.]

But, fellow citizens, I didn't stop then, and I won't stop now! [Cheers and applause.]

I then, 20 years ago, was just working for justice and equality in government, in taxation; and, fellow citizens, I come from Washington directly here; and on the floor of the House of Representatives and in the Committee on Finance, the greatest committee of the Senate, I have been struggling for the same thing that I struggled for down at the Ferndale picnic in Wisconsin 20 years ago. [A voice: "We know it, Bob!"] [Cheers.]

There is not a shred of difference in principle. The only difference lies in the fact that where we in Wisconsin were considering thousands and hundreds of thousands in this great Government of ours, and in the times which we find ourselves now we are considering billions upon billions—beyond the power of the human mind to grasp. That is the difference. [Applause.]

A little handful of men in Washington have been demanding—only a little handful, mind you—have been demanding that taxation should be laid according to the principles that prevail wherever justice prevails, that taxation shall be laid according to the ability or the property to meet the taxes. [Applause and cheers.]

We have been contending for that principle in Washington, just as in a smaller way I was contending for that principle in the first speech made on the 27th of August, 1897, at a farmers' picnic in Ferndale, Wis., which opened the campaign that lasted through a decade and a half of time.

And, fellow citizens, the organization of the Nonpartisan League—and I come back to that, as I shall from time to time during the limited space that I can speak to you—the Nonpartisan League finds its birth and its reason for existence in the fact that the burdens of government are not equally laid upon the people of this country. [Cheers.]

I am going to put away all those notes that I had made to talk to you from. [Laughter.] [A voice: "Go ahead!"]

You organized a league in North Dakota. You could not enlist the sober, thinking men on the farms in this wonderful expansive country if you didn't have justice and right; if you didn't have a real grievance. For there are no men who think deeper, who reflect more soberly and conservatively, and I emphasize that word, more soberly and conservatively, than the farmers of this great country of ours.

I tell you, fellow citizens of our great and glorious country, when any considerable number of the farmers, the older, conservative population of this country, rise up in mass to demand a redress of grievances—look out! [Cheers and applause.]

There is something wrong. There is something radically wrong or you could not enlist them. Now, fellow citizens, we are in the midst of a war. For my own part I was not in favor of beginning the war. [Cheers and applause.]

I don't mean to say that we hadn't suffered grievances; we had—[a voice, "Yes!"]—at the hands of Germany. Serious grievances! [A voice: "You bet!"]

We had cause for complaint. They had interfered with the right of American citizens to travel upon the high seas—on ships loaded with munitions for Great Britain. [Laughter, cheers, and applause.]

Let me have the time; I have got to catch a train—unless I am stopped by somebody [laughter]; and I have never been stopped yet! [Laughter and applause.]

Cut it out. Let me have the time. I would not be understood as saying that we didn't have grievances. We did. And upon those grievances, which I regarded as insufficient, considering the amount involved and the rights involved, which was the right to ship munitions to Great Britain with American passengers on board to secure a safe transit. [Laughter and applause.]

We had a right, a technical right, to ship the munitions; and American citizens have a technical right to ride on those vessels. I was not in favor of the riding on them [laughter], because it seemed to me that the consequences resulting from any destruction of life that might occur would be so awful. [A voice: "Yellow!"]

What did you say? [A voice: "Yellow!"]

Any man who says that in an audience where he can conceal his identity is yellow himself. [Many cries: "Put him out!" "Put him out!"]

Sit down, everybody. I don't want any of that in an audience where I am speaking. [Cries of "Order!" "Order!"]

All I want is order. I will take care of everybody that interrupts if you will just give me the chance. [Cheers and applause.]

I say this, that the comparatively small privilege of the right of an American citizen to ride on a munition-loaded ship flying a foreign flag, is too small to involve this Government in the loss of millions and millions of lives. [Cheers and applause.]

Now—[A voice interrupting: "Where is the yellow guy now?" Another voice: "Give it to him, LA FOLLETTE!"] [Order!]

Now, fellow citizens, I didn't believe that we should have gone into this war for that poor privilege. [A voice: "Nobody else!"]

The right of an American citizen to travel upon a foreign vessel loaded with munitions of war. Because—[Another interruption.]

Wait just a minute. Let me state my position. Because a foreign vessel loaded with munitions of war is technically foreign territory [cheers and applause] and an American citizen takes his life in his own hands, just as much as he would if he were on the territory of France and camped in the neighborhood of an arsenal! [Cheers and applause.]

Mr. President, it has sometimes occurred to me that the shippers of munitions of war, who were making enormous profits out of the business, invited and encouraged American citizens to ride on those ships in order to give a sort of semblance of safety to the passage of their profiteering cargo abroad. [Cheers and applause.]

But, Mr. President, we went into the war by the adoption by Congress of a declaration of war in constitutional form. [Applause.] I was not in favor of going into the war illegally.

I resisted the right to arm merchantmen when I knew that that would result in producing a condition that would bring about war without a declaration by Congress; and the Constitution says that Congress, not the acts of the President, shall bring on a war with a foreign government. [Cheers and applause.]

But war was declared, and lawfully declared.

It was not brought about by an unlawful and piratical arming of merchant ships. I had a little bit to do with stopping that on the 4th of March, and I put it to my everlasting credit [that I was able to do it]. [Cheers and applause.] We are in the war; and, at least, we are lawfully in the war.

Now, then, the war entails expenses. [Laughter.]

You can not run a war in these days without paying for it. [Laughter.]

It is a costly enterprise. Every one of the nations, the belligerent nations of Europe, are reeling under the financial burdens that war, this war of all wars in the history of the world, has laid upon them. Every one of the foreign nations up to last April, when we entered the war, had passed the line of safety, so far as ever being able to redeem their financial obligations were concerned. Every one except Great Britain. Whenever any government is paying out for its obligations more than—for its current obligations—more than 25 per cent of its income, that nation has passed the line where it is safe to loan to it. [Applause.]

Every belligerent nation in Europe last April except Great Britain had passed that line. Never—this is a triteism to say—never before in the history of the human race was a war in progress that so, day by day, hour by hour, moment by moment, sapped the very life blood, the financial life blood, of the existence of the nation as a stable entity.

And, fellow citizens, it behooves a nation to consider well before it enters upon a war of that sort how much it has got at stake. If all it has got at stake is the loans of the house of Morgan made to foreign governments and the profits that the munition makers will earn in shipping their products to foreign countries, then I think it ought to be weighed not in a common hay scale but in an apothecary's scale. [Laughter and applause.]

Ah, but somebody will tell you American rights are involved.

What American rights? The right of some person to ride upon a munition-laden vessel in violation of an American statute that no vessel that carries explosives shall carry passengers. [Cheers and applause.]

Four days before the *Lusitania* sailed President Wilson was warned in person by Secretary of State Bryan that the *Lusitania* had 6,000,000 rounds of ammunition on board, besides explosives; and that the passengers who proposed to sail on that vessel were sailing in violation of a statute of this country, that no passenger shall sail or travel upon a railroad train or upon a vessel which carries dangerous explosives. [Cheers and applause.]

And Secretary Bryan appealed to President Wilson to stop passengers from sailing on the *Lusitania*.

I am giving you some history that probably has not been given you here before. [Cheers.]

So, I say that the grievances that carried this country into war, into a war the limits of which, as to the loss of life, and the burdens, financial burdens, that shall be laid upon us, can not be calculated by any man—I say that the conditions that carried us into that war needed to be weighed carefully. I enunciate no new doctrine. I say what Daniel Webster said when the Mexican War was on at full tilt—that it is the right of the people of this country to determine for themselves whether there has been a sufficient grievance for the people to incur all of the burdens and risks that go with the entrance into war.

I have only got a few minutes more if I make my train. [A voice: "Cut out that train."] No; I can't cut out the train. It involves another engagement. Just let me have all the time if you will be so good. I am going to use it in a way that I believe even the extremist man on the other side will say is loyal to the interests of the Government.

Fellow citizens, we are in this war. We have got to finance it. How shall we do it?

Now, let me say to you, that there are three ways of financing the war. First, by raising all the money that the war costs by taxation, and paying the expenses of the war day by day as the war goes on. That policy of financing a war is called the plan of paying as you go. The founder of the science of political economy was Adam Smith.

No one has ever discovered a new principle involved in that science from the days of that wonderful man down to this hour to-night. And from Adam Smith down through the lines of great economists—Ricardo, John Stuart Mill, on down to the political economists of the present day, one and all, with such rare exceptions as to be unworthy of notice, one and all have said there is but one sound way of financing of war, and that is to impose taxes sufficient while the war is on to pay the expenses of the war. That you have no business, no right, to hand it on to other generations. The generation that makes the war should pay for the war. [A voice: "That's right!"] [Cheers and applause.]

But that is not all. That is not all. These great economists have said another thing, and it was the enunciation of a great economic principle, that is if you finance a war in any other way you impose a double burden not only upon the people of to-day, but upon the children of the next generation.

Let me explain that. I said there was one way of financing a war. There are three ways. That laid down by the great political economists at all times is that you should pay as you go; that you should levy enough taxes at the time to carry the expenses of the war. Of course, if you are going to do that that you have got to put the taxes chiefly upon the wealth of the time. [Applause.]

Some people don't like that way. [Laughter.]

Then there is another way, and that is that you shall borrow, borrow, issue bonds. Mortgage the Government and the generations to come in order to pay the expense of the war. That is the opposite of paying as you go.

Every time you issue bonds you inflate the currency and prices and you make it harder for the people of that particular time. And because you put a mortgage on it, a rate of interest not of the Government's choosing—for when the Government is in war and starts in upon the loan policy it can't fix the interest; it can not fix any of the conditions of the bonds. It goes to the money lender with its hat in its hand and says, What will you furnish the money for?

And the money lender—the wealth of the country—looks out for itself. Show me in war or any time when wealth has been patriotic. When wealth has said, We don't care for interest or profits; we are going to take care of the country. Why, do you know that John Pierpont Morgan laid the foundation of his fortune—\$25,000—by buying condemned rifles at \$2.50 apiece and selling them back to the Government disguised a little bit at about \$22.50? [Cheers.]

Do you know that the foundation of Vanderbilt's great fortunes, at least a great part of it—the fortune of the Vanderbilts; the commodore of the war time—do you know how that was made?

By picking up condemned ships for almost nothing and selling them to the Government for a good round price. [Laughter.]

Oh, fellow citizens, I wish I could stay with you all night. [Cheers and applause.]

Do you know that congressional committees in the days of the sixties were busy, busy, for months and years investigating the frauds perpetrated upon the Government by the wealth of the country seizing upon the dire necessities of this Republic to make fortunes out of it—out of those conditions?

And if you think the animal has changed its spots or shed its skin, go down to Washington and see! [Cheers and applause.]

So, fellow citizens, you have got to consider this thing, and that is the carrying of the burdens of the present war. How shall they be carried? Political economy says they shall be carried by paying as you go. The wealth of the country, that wants to make big interest out of long-time mortgages, especially on bonds, says pay the expenses of the war by borrowing. Now, there is not a bit of question but that the correct plan is to pay as you go.

Why, do you know that just about as soon as the war cloud began to show on the horizon, do you know that 350 of the greatest economists of the United States, representing the best universities and colleges of the country—your own among the number—petitioned Congress in a petition, the logic and power of which to me was irresistible, that this war should be financed by imposing taxes upon surplus incomes, war profits, and other sources of revenue, so that we should pay as we go? [Applause and cheers.]

That petition fell into the hands of the Philistines. And if it ever saw the light of day or ever was made the subject of comment upon the floor of either House, I venture to say that it was at the time I made the argument against the plan proposed in the tax bill just passed, and quoted largely from that petition in the making of that argument.

Fellow citizens, no war has ever been financed as Adam Smith and all of his successors have said it ought to be financed. Why? Why? Because wealth, wealth, is always potential in government, and wealth never wants war financed wholly by taxation, for the reason that wealth would have to pay the bulk of the taxes. Because the underlying principle of taxation is—and I repeat it—that the burdens of taxation must be borne according to the ability of the owners of property to bear the taxes. And so Rockefeller would have to pay more considerably than a farmer in North Dakota would. [Laughter and applause.]

So wars have never been financed upon sound economic principle. Wars have always been financed with a struggle with the people on one side and wealth on the other, wealth contending that the war should be financed by loans, the people contending that the war should be financed by taxation of wealth; and wealth always being more potential than the people.

I pray God, after the Nonpartisan League gets well under way, that that won't be the condition in this country. [A voice: "You bet it won't." Cheers and applause.]

But it has been the condition, and so most of the wars have been financed by both taxation and bond issues, and frequently the bond issues have been the largest part of the cost of the war.

But Great Britain more than any other great country in the world has financed her wars by taxation in proportion, in fair proportion, to bond issues. The greatest wars Great Britain ever participated in were the Napoleonic wars and the Crimean War. The Napoleonic wars were financed by Great Britain upon a 50-50 basis. Indeed, 52 per cent of the expense of the Napoleonic wars was paid by taxation and 48 per cent of the expense was carried by loans. In the Crimean War Great Britain paid practically an equal amount by taxation and by loans. But, fellow citizens, every government that has paid the majority of its expenses by loans instead of by taxation has paid a dear price for yielding to wealth as to the way the war should be carried out and financed.

For always and always in proportion as your loans exceed the amount of money raised by taxation, just in that proportion you swell the prices that the people have to pay during the war. Because the issuance of your bonds inflates the currency, and is followed always by accessory legislation, additional legislation, that accentuates that condition.

Now, what happened after we declared war? In view of this history, in view of the warnings of the great economists of the country that we ought, if we are going to proceed on a sound economic basis, that we ought to finance this war as largely as possible by taxation instead of bond issues, what happened? We passed the declaration of war. The die was cast. We are in the thing. We had to shoulder the financial burdens, awful as they are, that went with it. The first thing that high statesmanship required of this war was the making of a plan for the financing of the war as nearly sound in economic principle as possible.

John Sherman, of Ohio, the greatest financier that this Government ever produced, speaking after the Civil War upon a bill to refund some of the war debt at a lower rate of interest, said that the financing of the Civil War ought to have been at least on a 50-50 basis. That is, that at least one-half of it ought to have been raised by taxation instead of by dealing with the bondholders. But, fellow citizens, in this as in every other great crisis, the money power was too potential, and the Civil War was financed not upon a 50-50 basis; it was financed upon a basis that was about 30 per cent pay as you go and about 70 per cent—when you take the whole thing, covering the four and one-half year period—about 70 per cent of bond issues. But, fellow citizens, do you know that we struggled with the financial embarrassment that grew out of that wrong financing of the War of the Rebellion for a period of more than 30 years? The wrong financing of that war was in large measure responsible for the worst panic that ever shook this Government to its financial foundations. And you can never do an economic or financial wrong that you don't have to settle for it. And so, fellow citizens, those who were responsible for the bringing on of this war, it should have been their first care to see that it was as largely financed by taxation as possible. And there never was a time before in the history of the world when a war could be so justly and largely financed by taxation as this war. Why? Because never before in the history of the human race were great corporations making the enormous war profits that the corporations in this country have been making for the three years that the European war has been on and we have been at peace. And those enormous profits warranted the assessment of the very highest rates, the very highest percentages of taxation against the war profiteers in order that this war should be properly financed.

Fellow citizens, I am admonished that it is only 20 minutes to train time. I have got to go. I don't like to, but I have got to go. But I want to say a few words in conclusion to you.

We passed a bill that levies only 31 per cent, on the average, upon the war profiteers. And that, too, when the owners of these great profit-making concerns have had three years of the richest pickings that was ever known in the history of mankind. [Laughter.]

Eh? Yes: "Shame on Congress." And shame on the administration! for the administration approved of the bill. [Loud cheers.]

Congress has a heavy burden that it ought to bear, and I tell you it has got an awful lot of responsibility on it. It has not met its responsibility. It shirks almost everything. It takes what the administration sends down, looks at it cockeyed, and swallows it! [Cheers.]

Our forefathers, when they established this great Government of ours, said the safety of the Republic depended upon the independence of each of the departments as to the other departments—the judicial independ-

ent of the executive and the legislative; the executive department independent, under the sanctions of the Constitution, of the legislative and judiciary; and the legislative department absolutely independent of the executive and of the judiciary.

The legislative department was looked upon by the men who made this Government for us as the repository of the liberties of the people. It made the term of Members of Congress two years, so that they could bring them back home, look over their work, and if it was not satisfactory, elect other men in their places.

[A voice: We will remember that a year from now.]

Please, please, let me have the time.

Now, fellow citizens, I say that Congress has not met its responsibility. Let me give you one overshadowing instance of it, one that I want you to put on your hearts and minds and take home with you and reflect upon it.

Under the Constitution Congress has the right, the absolute right, to determine the objects and purposes of every war in which we engaged. [Applause.]

I am giving you the Constitution for it. Why, do you know that Abraham Lincoln, Daniel Webster, Charles Sumner, Henry Clay, and I might call the roll of all the great statesmen of that period, when the Mexican War was on, after war had been declared said they believed that the war was a wrongful war; they stood in the places in Congress and denounced the war. And Abraham Lincoln voted for a resolution to recall the American troops from Mexico. [Cheers.]

And yet in these days of 1917, with the flags all about us commemorating liberty—constitutional liberty—we are inhibited from even discussing this war, from even suggesting that there might be some way with honor and credit to our Government to terminate it and stop the awful slaughter and the awful expense. [Cheers.]

Let me say, in a word, if Abraham Lincoln was a patriot, if Daniel Webster was a patriot, if Clay and Webster and Lincoln and all the men of that time understood the Constitution and the rights of the people, you, the humblest one of you, have the right to discuss freely the question of whether this war might not be terminated with honor to the Government and the awful slaughter be discontinued.

I thank you for your patience. [Cheers.]

[The Senate of the United States, Committee on Privileges and Elections. In the matter of the investigation by the Senate of the United States of the charge made by the Minnesota Commission of Public Safety that on the 20th day of September, 1917, Senator ROBERT M. LA FOLLETTE made an address of "a disloyal and seditious nature" at a public meeting before a large audience at St. Paul, Minn.]

BRIEF IN BEHALF OF SENATOR ROBERT M. LA FOLLETTE.

(Filed by Hon. Gilbert E. Roe.)

STATEMENT OF FACTS.

On the 29th day of September, 1917, the Senator from Minnesota [Mr. KELLOGG] presented to the Senate a resolution adopted by the Minnesota Commission of Public Safety, which said resolution was as follows:

"Whereas Senator ROBERT M. LA FOLLETTE has made an address of a disloyal and seditious nature at a public meeting before a large audience at the Nonpartisan League convention in St. Paul on the 20th day of September;

"Whereas the utterances of Senator LA FOLLETTE, with all the prestige of his high office as Senator of the United States, made under protection of a guaranty by the president of the Nonpartisan League that no disloyal expressions would be permitted during the alleged conference between producers and consumers on the high cost of living, have already served to create treasonable sentiments in the State of Minnesota, and being spread through the public press can have no other effect than to weaken the support of the Government in carrying on the war: Be it hereby

"Resolved, That the Minnesota Commission of Public Safety respectfully petitions the Senate of the United States to institute proceedings looking to the expulsion of said ROBERT M. LA FOLLETTE from the Senate as a teacher of disloyalty and sedition, giving aid and comfort to our enemies, and hindering the Government in the conduct of the war; and be it further

"Resolved, That copies of this resolution, together with stenographic copies of said LA FOLLETTE's speech, be forwarded to the President of the Senate and Senators NELSON and KELLOGG."

This resolution was thereupon immediately referred to the Committee on Privileges and Elections, of which the Senator presenting the resolution was a member. Senator LA FOLLETTE was temporarily absent from the Senate at the time of this proceeding, in attendance upon a meeting of the Committee on Finance, and had no information concerning the presentation of the resolution or of its reference to the Committee on Privileges and Elections until some time thereafter. He had no opportunity, therefore, himself to then move for an investigation of said charges either by special committee or otherwise. Thereafter the Committee on Privileges and Elections adopted a resolution authorizing a subcommittee thereof "to investigate the accuracy of the report of the speech delivered by the Hon. ROBERT M. LA FOLLETTE, United States Senator from the State of Wisconsin, September 20, 1917, before the Nonpartisan League at St. Paul; to investigate the accuracy of the statements made by the Hon. ROBERT M. LA FOLLETTE in said speech; and to report its findings to the full committee the first day of the next regular session of Congress, in December, 1917." The authority of the subcommittee of the Committee on Privileges and Elections to conduct the investigation was brought to the attention of Senator LA FOLLETTE for the first time in the course of the correspondence to which I shall now refer.

THE CORRESPONDENCE.

On October 5, 1917, the chairman of the Committee on Privileges and Elections wrote Senator LA FOLLETTE, inclosing what purported to be a copy of the speech made by the latter under the auspices of the Nonpartisan League at St. Paul, Minn., on the 20th day of September, 1917, and in said letter inquired whether the copy inclosed was "a correct copy of the speech made by you, and if it is not a correct copy will you kindly state wherein it is not correct and give us a correct statement thereof." On the same date Senator LA FOLLETTE replied to this letter advising the chairman of the committee that the purported copy of the speech inclosed with the chairman's letter was not a correct copy and assuring the chairman that he would comply with his request to furnish the committee with a correct copy at as early a day as possible. On October 11 following Senator LA FOLLETTE wrote the chairman of the committee advising him that a copy of the speech had been procured from the official stenographer who reported the meeting and inclosed the same, together with the explanation that certain interruptions from the audience, to which reply was made, did not appear in the speech, and offering to the committee the original transcript of the official report of the

meeting in question. This letter explains that, as the transcript in fact shows, the speech was made extemporaneously, and that while Senator LA FOLLETTE had with him a few notes on the revenue bill recently under consideration by the Senate, upon which he expected to speak, there were various digressions in the speech caused by questions and suggestions from the audience. In this letter Senator LA FOLLETTE also requested to be advised whether the accuracy of any statements of fact in the speech was called into question; and if so, in what respect; and also inquired whether the Senator's right to make the speech was questioned. In this letter Senator LA FOLLETTE also stated that if an investigation was to be conducted he desired to be heard in person and by counsel and be allowed to cross-examine witnesses, and thereafter produce evidence in his own behalf if he desired. To this letter the chairman of the subcommittee replied, under date of October 12, 1917, that its powers did not extend to an inquiry into the right of Senator LA FOLLETTE to make the speech, such question being reserved for the consideration of the full committee, and that it had no authority to inquire into the causes which led to the publication of the grossly false reports of the speech, to which Senator LA FOLLETTE had called attention in his previous letter. The chairman of the subcommittee, however, in this letter invited Senator LA FOLLETTE to appear before it "to be heard and to inform the committee with reference to the accuracy of various statements contained in the speech." To this letter Senator LA FOLLETTE replied, under date of October 13, respectfully pointing out to the chairman of the subcommittee the fact that the procedure proposed required Senator LA FOLLETTE to support the accuracy of all statements in the speech in advance of any information that any of these statements were challenged or questioned by anyone, or, if any statements therein were challenged, without any specifications as to which ones were challenged, or in what respect, or by whom, or in what manner their accuracy was questioned.

On October 15, 1917, the subcommittee replied to Senator LA FOLLETTE's letter of the 13th instant, stating the substance of the resolution of the Minnesota Commission of Public Safety and reciting the resolution of the Committee on Privileges and Elections appointing the subcommittee, which resolution has been previously quoted, and stating that with the assistance given to the subcommittee by Senator LA FOLLETTE in furnishing a copy of the speech in question the only other question which the subcommittee was authorized to investigate was "the accuracy of the statements contained in the speech." In this letter Senator LA FOLLETTE was informed that the next meeting of the committee would be held on the 16th instant at the committee room of the Committee on Privileges and Elections at 10.30 a. m., at which time Senator LA FOLLETTE was invited to be present to be interrogated by "each member" of the committee concerning "such portion of the address in question as to him may seem open to question." On the 16th day of October, 1917, Senator LA FOLLETTE appeared before the subcommittee and filed with it the letter of that date addressed to the chairman which appears in the correspondence. In this letter or statement Senator LA FOLLETTE asserts that as a matter of course he believed that all statements made by him in the speech were correct and accurate at the time he made them, and that he still believed them to be so. That if the correctness of anything he said in the speech was challenged by anyone he desired to know what statements were so challenged, and requested that he be allowed simply the plain rights accorded to all men in all proceedings which have for their object the ascertainment of the truth, to wit, the right to cross-examine witnesses produced against him, and thereafter against him, if he desired, to introduce evidence to meet that offered against him. He pointed out that every Senator and every man was entitled to have the statements made by him accepted as accurate, at least until some one appeared to question their accuracy, and that to deny that right to any individual or Senator would be an insult. Senator LA FOLLETTE in this letter again insisted upon his right to meet face to face and question any witnesses that might challenge the correctness of any statement made by him in the speech and to produce in his own behalf such witnesses and evidence, if any, as he deemed necessary or proper to controvert the adverse evidence offered, and he concluded by requesting the committee to make the investigation "thorough and complete to the end that it shall do justice to all participants and shall constitute an honorable precedent whenever so grave a matter as the proposed expulsion of one of its Members shall come before the United States Senate."

Thereafter the chairman of the committee advised Senator LA FOLLETTE that an adjournment of the proceedings had been taken to November 26, 1917, and on October 26, 1917, Senator LA FOLLETTE wrote the chairman of the subcommittee as follows:

"In order to be informed of the proceedings contemplated by your subcommittee at its next meeting, will you advise me:

"(1) Whether at the meeting of the subcommittee on November 26 any witnesses will be produced to testify to any inaccuracies of statement in the St. Paul speech; and if so, whether I will be accorded the opportunity to cross-examine such witnesses at that time or later if I think further time necessary to prepare for cross-examination after hearing the testimony in chief.

"(2) Whether any documentary evidence will be offered at that time to show any inaccuracies in the speech; and if so, whether reasonable time and opportunity will be given me to rebut the same.

"(3) Whether the subcommittee or its members have collected and will consider any evidence not offered and received at regular sessions of the subcommittee; and if so, whether such evidence will be submitted to me or my counsel if I desire it for inspection and thereafter reasonable time afforded me to reply to the same.

"(4) Has the subcommittee authority to compel the attendance of witnesses and the production of documents in my behalf, either at the next meeting thereof or at any adjourned meeting, if I desire to subpoena such witnesses and desire the production of records and documents after having learned what evidence, if any, the subcommittee has received to show inaccuracies or errors in said speech?

"The time fixed by you for the next meeting of the subcommittee is so close to the opening of the next session of Congress, when you advise me you are required to report to the full committee, that I respectfully suggest that the investigation would be greatly facilitated if you would furnish me a statement of the witnesses, if any, it is expected to call and the matters to which their testimony will be directed and a list of the papers or documents, so far as you may be advised, which the subcommittee expects to consider and which you may believe raise any question concerning the accuracy of any matters of fact stated in the speech. I wish that such statement or information might be in my hands at least a week before the next meeting of your subcommittee."

On November 5 the chairman of the committee replied to Senator LA FOLLETTE as follows:

"CANTON, OHIO, November 5, 1917.

"MY DEAR SENATOR: Your favor of the 26th ultimo received relative to the hearings to be held before the Subcommittee on Privileges and Elections on November 26, 1917.

"In reply I beg to say that our former correspondence relative to this subject indicates very clearly that you will be given full opportunity to examine and cross-examine witnesses and inspect documents. It seems to me that until the contrary appears it might be assumed that the subcommittee wants all the facts which are material and relevant to the issues before it and which may not be incompatible with the public interest to disclose. It can be assumed also that both the subcommittee and the full committee will base whatever conclusions they come to upon evidence which you will have an opportunity to examine and upon no other evidence.

"I do not have the correspondence which has passed between us here in Canton, but you have been advised that the inquiry of the subcommittee would be limited to two questions: First, Was the copy of the speech which was referred to the subcommittee an accurate transcript of the speech delivered, and, secondly, are the statements contained therein accurate?

"If after the witnesses are examined who may be called by the committee, it shall appear that further reasonable time is required by yourself or your counsel to produce other witnesses, or to further examine the testimony, I have no doubt it will be granted. In any event, I will make such request.

"In the absence of the other members of the subcommittee I do not deem myself authorized to make any further statement.

"Very sincerely,

"ATLEE POMERENE,

"Chairman Subcommittee on Privileges and Elections.

"HON. ROBERT M. LA FOLLETTE,

"United States Senate, Washington, D. C."

The balance of the correspondence merely shows that while Senator LA FOLLETTE was ready with counsel to proceed with the hearing on the 26th of November, 1917, and all subsequent dates to which the hearings were adjourned, the subcommittee, on its own motion, adjourned the hearing from November 26 to a subsequent date, and that the committee has, from time to time thereafter, adjourned said hearing without taking further action of any sort.

I have not attempted to set forth the full correspondence between the subcommittee and Senator LA FOLLETTE, which is, however, a matter of record and in the possession of the committee, but I believe that the foregoing faithfully summarizes the more important points thereof and sufficiently shows the history and present status of the proceeding.

POINT I.

The speech of September 20, 1917, affords no reason for expelling Senator LA FOLLETTE, and the charge of the Minnesota Commission of Public Safety based thereon is both frivolous and scandalous.

It is now nearly eight months since the charge of disloyalty based upon this speech was presented to the Senate. While Senator LA FOLLETTE had no opportunity at the time it was lodged with the Senate to move for an investigation of the charge for the reasons previously stated, he has, as the record shows, done what he could to expedite the hearings and bring the matter to a conclusion. Had the Senate or the members of the committee to which the resolution was referred even entertained a suspicion that the charge of disloyalty made against Senator LA FOLLETTE had the slightest basis in fact, the charge would long ago have been thoroughly investigated and appropriate action taken thereon. To suppose otherwise is to assume that the Senate is indifferent to the loyalty of its own membership in this great crisis of our Nation's life. I have no hesitation in affirming that if there were any Member of either House of Congress to-day whose unswerving loyalty and devotion to his country's cause was doubted, not one day would pass before a sweeping and thorough investigation would be made of such Member's loyalty.

Put to pass over these baseless and wanton charges without appropriate action by the Senate would not only be a great wrong to Senator LA FOLLETTE but to the public as well, and would furnish a vicious precedent, from the evil consequences of which no Senator in the country would be safe. I have therefore collected and herewith submit the precedents which plainly declare the power and duty of the Senate in this case, and in connection therewith present a brief analysis of the speech alleged to be "disloyal" and "seditious" and to have created "treasonable sentiments" in the State of Minnesota. Before examining the speech, I invite attention to all the precedents established by the Senate so far as they have any bearing on this case, and also to the right of the citizens, and particularly Members of Congress, to criticize and, under some circumstances, to condemn the acts of the Government in time of war.

I shall take up no time in discussing the constitutional power of the Senate to expel a Member. It is provided in article 1, section 5:

"Each House may determine the rules of its own proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

The power of the Senate to expel a Member is limited only by the provision that it shall take a two-thirds vote to do it; otherwise all is left to the conscience and wisdom of the Senate. A two-thirds majority of the Senate may expel a Member for any reason or for no reason. No tribunal has been created to review its judgment in such matters. The sole remedy for abuse of this power rests with the people. The framers of the Constitution believed, and their belief has been justified by the uniform action of the Senate, that this power would never be exercised arbitrarily or capriciously as the result of personal or political animosity. During the 130 years of the life of the Senate the principles have become well settled which control its action in cases where it is sought to expel a Member, and those principles are embodied in the precedents to which I now call attention.

1. The precedents.

a. The case of Humphrey Marshall.

The first case in which the Senate had occasion to consider its power to expel a Member was that of Humphrey Marshall, of Kentucky. This case is reported briefly in the compilation of Senate Election Cases from 1789-1913, Senate Documents, volume 9, page 168. See also history of this case in the transcript of the Senate proceedings, Annals of Congress, first session, Fourth Congress, 1795-96, pages 47-50; also Hinds' Precedents, volume 2, page 858.

It appears from the report of the above case that in February, 1796, the Vice President laid down before the Senate a letter from the governor of Kentucky and a memorial from the Representatives of said

State, in which it was made to appear that Senator Marshall had been guilty of perjury in a proceeding in court. It appears that the court proceeding in question occurred several months before Mr. Marshall was elected to the Senate. The memorial or petition was referred to a special committee on motion of Mr. Marshall himself. The committee thereafter made a report exonerating Senator Marshall, which was adopted by a vote of 16 to 8. The principal propositions contained in the report were voted on separately and the whole document was carefully considered. The report is as follows:

"The committee to whom was referred the letter of the governor and the memorial of the Representatives of Kentucky, with the papers accompanying them, report:

"That the representatives of the freemen of Kentucky state in their memorial that in February, 1795, a pamphlet was published by George Muter and Benjamin Sebastian (who were two judges of the court of appeals), in which they say that Humphrey Marshall had a suit in chancery in the said court of appeals, in which it appearing manifest from the oath of the complainant, from disinterested testimony, from records, from documents furnished by himself, and from the contradictions contained in his own answer that he had committed a gross fraud, the court gave a decree against him, and that in the course of the investigation he was publicly charged with perjury. That Mr. Marshall, in a publication in the Kentucky Gazette, called for a specification of the charge, to which the said George Muter and Benjamin Sebastian, in like publication, replied that he was guilty of perjury in his answer to the bill in chancery exhibited against him by James Wilkinson, and that they would plead justification to any suit brought against them therefor. That no such suit, as the said representatives could learn, had been brought. The said representatives further say that they do not mean to give an opinion on the justice of the said charge, but request that an investigation may immediately take place relative thereto.

"Your committee observe that the said suit was tried 18 months before Mr. Marshall was chosen a member of the Senate, and that previous to his election mutual accusations had taken place between him and the judges of the said court relating to the same suit.

"The representatives of Kentucky have not furnished any copy of Mr. Marshall's answer on oath, nor have they stated any part of the testimony or produced any of the said records or documents or the copy of any paper in the cause, nor have they intimated a design to bring forward those or any other proofs.

"Your committee are informed by the other Senator and the two Representatives in Congress from Kentucky that they have not been requested by the legislature of that State to prosecute this inquiry, and that they are not possessed of any evidence in the case, and that they believe no person is authorized to appear on behalf of the legislature.

"Mr. Marshall is solicitous that a full investigation of the subject shall take place in the Senate and urges the principle that consent takes away error, as applying on this occasion, to give the Senate jurisdiction; but as no person appears to prosecute and there is no evidence adduced to the Senate, nor even a specific charge, the committee think any further inquiry by the Senate would be improper. If there were no objection of this sort the committee would still be of opinion that the memorial could not be sustained. They think that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alleged by the memorialists why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted the principles of the Constitution and of the common law concur in presuming that he is innocent, and the committee are compelled, by a sense of justice, to declare that in their opinion the presumption in favor of Mr. Marshall is not diminished by the recriminating publications which manifest strong resentment against him.

"And they are also of opinion that as the Constitution does not give jurisdiction to the Senate the consent of the party can not give it; and that therefore the said memorial ought to be dismissed.

"Resolved, That the Vice President of the United States is requested to transmit a copy of the foregoing report to the governor of Kentucky."

b. The case of William Blount.

The next case of expulsion dealt with by the Senate is that of William Blount, which occurred in 1797. This case is reported in compilation of Senate Election Cases, supra, page 1165; see also Hinds' Precedents, volume 2, page 813; also first session, Fifth Congress, Senate Journal, page 383; see particularly for the facts Blount's impeachment proceedings, Annals first and second sessions, Fifth Congress, volume 1, pages 39-45; Annals second and third sessions, Fifth Congress, volume 2, pages 2245-2416.

The proceedings against Blount originated in a letter written by him to one Carey, an employee of the United States Government, in the Indian Service, in the Indian Territory. The letter is published in the compilation of Senate Election Cases, supra, page 1167. The facts of this case can be found in the Annals of Congress referred to above, and show that William Blount, a United States Senator from the State of Tennessee, was engaged in a conspiracy with divers persons in this country and in England to rob the Indians of their lands, to debauch them by the sale of liquor, encourage and incite them to engage in hostile operation against the interests of the United States and the Government of Spain, to make false reports concerning the character and conduct of the United States officials charged with the duty of protecting the Indians, and to do all this in alliance with British agents, subjects of the country with which the United States had recently been at war. Blount neither admitted nor denied the charges, nor attempted in any way to defend himself against them, although he was accorded the privilege of being represented by counsel, and was furnished copies of all papers which were made the subject of investigation, and obtained various adjournments from the select committee appointed to consider the case. Under the circumstances there was nothing to do but expel him from the Senate, and this was accordingly done by resolution, which provided:

"That William Blount, Esq., one of the Senators of the United States, having been guilty of high misdemeanors entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is expelled from the Senate of the United States."

This resolution was adopted with only one dissenting vote.

c. The case of John Smith.

The next case in point of time was that of the Hon. John Smith, Senator from the State of Ohio, charged with complicity in the conspiracy of Aaron Burr. The case is reported in the compilation of Senate Election Cases referred to, supra, at page 1170. The history of the case is given in the Senate Journal, Tenth Congress, first session, with the report of the committee from the Annals of Congress (10th Cong., 1st sess., vol. 1, pp. 56-62, and the debate is found on pp. 39-42; also pp. 265-324). This case is also found in Hinds' Precedents, volume 2, page 815 and subsequent pages.

In this case the Senate, on November 27, 1807, adopted the following resolution:

Resolved, That a committee be appointed to inquire whether it be compatible with the honor and privileges of this House that John Smith, a Senator from the State of Ohio, against whom bills of indictment have been found at the Circuit Court of Virginia, held in Richmond in August last, for treason and misdemeanor, shall be permitted any longer to have a seat therein; and that the committee do inquire into all the facts regarding the conduct of Mr. Smith as an alleged associate of Aaron Burr and report the same to the Senate."

See first session, Tenth Congress, Senate Journal, page 197, Annals 39. On December 31 following Mr. Adams, chairman of the committee, announced that the committee was ready to report, and made a motion, which was read and agreed to, "That John Smith, a Senator from the State of Ohio, be notified by the Vice President, to attend in his place." The Vice President accordingly notified Mr. Smith in the following words: "Sir, you are hereby required to attend the Senate in your place without delay. By order of the Senate. Signed, George Clinton, President of the Senate." Mr. Adams thereupon made his report.

In that report it is stated:

"Your committee are of opinion that the conspiracy of Aaron Burr and his associates against the peace, union, and liberties of these States is of such a character and that its existence is established by such a mass of concurring and mutually corroborative testimony that it is incompatible not only with the honor and privileges of this House, but with the deepest interest of this Nation, that any person engaged in it shall be permitted to hold a seat in the Senate of the United States. Whether the facts of which the committee submit here, with such evidence as under the order of the Senate they have been able to collect, are sufficient to substantiate the participation of Mr. Smith in that conspiracy or not will remain for the Senate to decide. The committee submit also to the consideration of the Senate the correspondence between Mr. Smith and them, through their chairman, in the course of their meetings.

"The committee have never conceived themselves invested with authority to try Mr. Smith. Their charge was to report an opinion relating to the honor and privileges of the Senate and the facts relating to the conduct of Mr. Smith. Their opinion, indeed, can not be expressed in relation to the privileges of the Senate without relating at the same time to Mr. Smith's right of holding a seat in this body, but in that respect the authority of the committee extends only to proposal and not to decision. But as he manifested a great solicitude to be heard before them, they obtained permission from the Senate to permit his attendance, communicated to him the evidence in their possession by which he was incriminated, furnished him in writing with the questions arising from the information, and explanations herewith submitted as a part of the facts reported."

The committee investigating the charges against Senator Smith, of which Senator John Quincy Adams, of Massachusetts, was chairman, was composed of the most distinguished Senators of that day, and its report deals extensively with the facts of the case and concluded with the following resolution:

Resolved, That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr against the peace, union, and liberties of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States, and that he be therefore, and hereby is, expelled from the Senate of the United States."

The trial, argument, and debate on the case in the Senate occupied many days. The evidence, too voluminous to be here summarized, seems to leave no doubt that Senator Smith was an accomplice of Aaron Burr, and shows that the accused Senator was at least guilty of conspiring with Burr and others against the peace and union of the United States. Nevertheless, the resolution for expulsion failed to receive the necessary two-thirds vote and was not adopted.

Various cases of expulsion grew out of the Civil War. In a number of cases Members of the Congress simply went with their States when they seceded, and their expulsion was a mere matter of form. In other cases it was evident that the Senator's sympathy was entirely with the rebellious States, but in no case was a Senator expelled for expression of opinion, however strong, in favor of the justice of the Southern cause or the injustice of the cause of the North. It was only where some overt act of positive disloyalty, such as communicating with the enemy to his advantage or furnishing money or material aid to some one engaged in the rebellion, could be brought home to the Senator that he was expelled. The Senate was very careful to distinguish between overt acts and opinions, no matter how strongly the opinions may have been expressed. I will now call attention to two leading cases dealing with this distinction.

d. The case of Benjamin Stark.

Benjamin Stark was appointed Senator by the governor of the State of Oregon in 1861 and presented his credentials to the Senate in January, 1862. Some question concerning his loyalty was raised before Senator Stark was sworn in, but he was allowed to take the oath, and a committee of the Senate was afterwards appointed to investigate the charges of disloyalty against him. Much of the testimony relied on to unseat him was that taken in the State of Oregon to prevent his appointment, the taking of which was completed about November 21, 1861. The case is reported in Senate Election Cases, supra, page 284, and subsequent pages. The debates on this question will be found in the Congressional Globe, part 1, Thirty-seventh Congress, pages 696-697; also part 2, second session, same Congress, pages 988-994; also Congressional Globe, part 3, same Congress, page 2596.

The committee made a report on April 22, 1862, in which is found: "First. That for many months prior to the 21st November, 1861, and up to that time the said Stark was an ardent advocate of the cause of the rebellious States.

"Second. That after the formation of the constitution of the Confederate States he openly declared his admiration for it and advocated the absorption of the loyal States of the Union into the Southern Confederacy under that constitution as the only means of peace, warmly avowing his sympathies with the South.

"Third. That the Senator from Oregon is disloyal to the Government of the United States."

A portion of the testimony upon which the committee based its findings is summarized in the report, as follows:

"In coming to the foregoing conclusion the committee cheerfully agree to the statement of the Senator in his answer, that 'as a Senator of the United States for the State of Oregon, I am entitled to and I claim every presumption of honor, integrity, loyalty, and patriotism that can be claimed by any other Senator until such presumption is overborne by competent testimony'; and they cheerfully accord to him all the force and benefit of such a presumption; at the same time they are forced, with pain and reluctance, to find such presumption overborne by the array of witnesses which testify in regard to his conduct and declarations. Thirteen witnesses, who are not only unimpeachable but are among the most respectable people of the city of Portland, where Mr. Stark resides, testify to the truth of the first of the foregoing propositions."

The report then sets out the names of the witnesses and, after some discussion of the testimony, proceeds:

"Although in his (Senator Stark's) communication to the Committee on the Judiciary, dated the 17th January, 1862, the Senator from Oregon declared 'that in a forum competent to try and determine the issue he should be able to prove the allegations against his loyalty to be utterly unfounded, and that in many important particulars the declarations of his assailants were false'; yet when an opportunity has been given to the Senator, upon his own motion, to send for persons and papers to disprove these allegations before a committee legally, if not otherwise competent, the Senator does not desire these witnesses to be put under oath nor to be reexamined nor cross-examined; nor does he offer any rebutting testimony or express a wish that any should be taken; nor does he, in his statement filed before the committee, so far as the committee remember, attempt to deny or impeach it—for while he says that the statements of Hull and Law are especially false, he makes no such allegation against these 13 witnesses or any one of them. He objects to no one of these witnesses because his statement was not made under oath.

"These witnesses, however, do not stand alone, nor does the finding of the committee on this proposition rest solely upon testimony given without the sanction of an oath.

"Wesley C. Hull, upon oath, on the 18th November, 1861, says that, in the month of February previous, he heard Mr. Stark make use of the following language: 'If there is to be any war between the North and the South, all my property is for sale at 50 cents on the dollar, and I will go and help the South fight. The Palmetto flag is my flag; the Southern Confederacy is the only legal government in existence; that the United States Government is broken up; that Jeff. Davis is fighting in a good cause, and it will be impossible to defeat him'; that afterwards, upon another occasion, he heard the said Stark use the following language: 'The United States forces may fight the South from one end of their Government to the other, but it will amount to nothing; they will close up behind them, and they can not be conquered. The South is fighting in a good cause, for government and order, and they can not be conquered.'

"Henry Law, also on oath, says that he is acquainted with Mr. Stark; that as early as December, 1860, he heard Mr. Stark say he did not go one cent on the Star and Stripes; that the Palmetto flag was his flag, and if there was any issue between the North and South he would sell all his property and go South.

"A. M. Starr, also under oath, on the 20th November, 1861, declared that within the then last two weeks past he had heard Mr. Stark say that there was no United States Government; and also he heard Mr. Stark say, when the President first called for volunteers, 'that the United States Government could not support an army of 30,000 in the field for six months; that the people of the loyal States would not back up the administration in trying to put down this rebellion.'

"Thirty other witnesses, likewise under oath, say, on the 15th November, 1861, that Mr. Stark is well known and generally reputed to be an open and avowed friend to the Southern Confederacy as against the Union."

Other testimony was taken to the same effect and all substantially undisputed. A letter written by Senator Clark, in June, 1861, was also introduced, avowing substantially the same sentiments ascribed to him by the witnesses. In this letter he said:

"'Civil war can not avert disunion'; 'Subjugation can not prolong the Union'; 'To subjugate the South, were that possible, would be the establishment of a military despotism.'"

Upon the report of the committee, Senator Sumner introduced the following resolution:

Resolved, That Benjamin Stark, a Senator from Oregon, who has been found by a committee of this body to be disloyal to the Government of the United States be, and the same is hereby, expelled from the Senate."

The Senate, however, by a vote of 16 for expulsion to 21 against, declined to agree to Senator Sumner's motion. (Cong. Globe, 37th Cong., pt. 3, p. 2596.)

e. The case of Jesse D. Bright.

Jesse D. Bright, Senator from Indiana, was expelled from the Senate in March, 1862, by a vote of 32 to 14. The case is reported in compilation of Senate election cases, supra, page 1200; Hinds' Precedents, volume 2, page 824. See for the debates, Congressional Globe, part 1, volume 3, second session Thirty-seventh Congress, page 89, and particularly pages 287, 391, 396, 413, 651, and subsequent pages.

The charge against Senator Bright was that of disloyalty and rendering aid to the rebel cause. It was based on the following letter, the authorship of which he admitted:

"WASHINGTON, March 1, 1861.

"MY DEAR SIR: Allow me to introduce to your acquaintance my friend, Thomas B. Lincoln, of Texas. He visits your capital mainly to dispose of what he regards a great improvement in firearms. I commend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

"Yours, very truly,

JESSE D. BRIGHT.

"His Excellency JEFFERSON DAVIS,

"President of the Confederation of States."

When the foregoing letter became public, as it did through the arrest for treason of its bearer, Thomas B. Lincoln, Senator Bright, on September 7, 1861, wrote a second letter to J. Fitch, a friend at Madison, Ind., in which he sought to excuse or explain away the letter of March 1, 1861. In this second letter he said:

"No man regrets more than I the present condition of public affairs, or is more anxious to see peace, unity, and fraternity restored. I do not think the policy of that party is calculated to produce such results; so far from it, the inevitable tendency of its measures, in my opinion, is

to render the disruption permanent and incurable. And hence I have opposed, and so long as my personal convictions last shall continue to oppose, the entire coercive policy of the Government."

The movement to expel Senator Bright was led by Senator Trumbull, of Illinois, and Senator Sumner, of Massachusetts. Senator Bayard, of Delaware, and others opposed the expulsion. It is noticeable, however, that there was no dispute and practically little difference between the Senators concerning the principle which should be applied. The constitution of the Confederate States was adopted and Jefferson Davis elected President early in February, 1861. The question at issue was whether the letter of March 1 constituted an overt act and amounted to the giving of aid to the rebel government.

On this subject Senator Trumbull said (p. 395, Cong. Globe, vol. 1, 2d sess., 37th Cong.):

"On the 1st day of March, when the letter in question was written by the honorable Senator, this country was involved in a state of civil war. Mr. Davis, on the 21st of January, left his seat in this Senate to inaugurate civil war, with the open and avowed purpose of disavowing his connection with this Government and inaugurating a state of facts in the Southern Confederacy which should dismember this Union, and on the 1st of March he was known to the world, and must, of course, have been known to the honorable Senator from Indiana, to be engaged in the purpose of overthrowing the authority of this Government in one-half of its jurisdiction. Then, sir, according to the law of nations, he was a traitor to his Government, and upon any fair exposition of law might have been convicted of treason and have been executed for treason."

"What was the condition of the honorable Senator from Indiana? He was a member of this Government, sworn to maintain this Government against all attempts to overthrow it either by foreign or domestic enemies. That was his duty. To aid, to countenance Jefferson Davis in his purpose to overthrow this Government was what? Treason, of course. Any citizen of the United States who should lend him encouragement in carrying on the war which he had begun would be guilty of treason as a matter of course."

"In the light of this principle—let us look at this letter and see what it proves. You will perceive, first, that it is addressed to 'his excellency Jefferson Davis, president of the Confederation of States,' etc., and that of course, is an official recognition of his character. He recognizes him in the effort he is making to maintain an independent government within the jurisdiction and limits of the United States as legitimate, addresses him as if he acknowledges the success of his efforts and his attempts to establish such government. And more, Mr. President, it is not only the language of friendships but it is the language of a courtier—he visits your capital. Not only does he recognize this usurper as a legitimate sovereign and head of a legitimate government, but he addresses him in the language of friendship and in court phrase—'your capital'—and he commends his friend to his favor."

"Now, look at this letter. It is a letter of introduction to Mr. Davis in favor of the Senator's friend, Mr. Lincoln; and what was Mr. Lincoln to do? He was about to leave this capital of the United States to repair to the capital of Mr. Davis, who was in arms against his Government, to engage with him. His mission, therefore, was a mission of treason. The first step he made in advance was an overt act of treason. The honorable Senator knew that Mr. Davis was a traitor engaged in levying war. He knew that it was the purpose of this man Lincoln to join him and to aid him in his nefarious work in overthrowing this Government. He knew that, and he encouraged him to go and join Mr. Davis, giving him an introduction, a passport to Mr. Davis, and by using his great personal influence with his old friend to give him employment. I repeat, the mission of Lincoln was a mission of treason. The honorable Senator knew it. He was bound there for the purpose of giving Davis aid and comfort and to enlist in his services; nay, more, sir, not only to enlist in his service but to furnish him above all things what he needed—arms. He commends him, if you will recur to the language, as a man who desires to 'dispose of what he regards as a great improvement in firearms.'"

Referring to the Bright case in subsequently discussing the Powell case (see Cong. Globe, pt. 2, 2d sess., 37th Cong., p. 1254), Senator Trumbull said:

"I do not propose to argue the case of the Senator from Indiana. The Senator from Indiana was guilty of an overt act. He corresponded with traitors. He addressed them as a government. He recommended to them a man with arms."

This was the view that finally prevailed with the Senate. But it is to be noted that Senator Trumbull, as well as Senator Sumner and the other Senators, were careful to say that so far as the second letter was concerned, while it manifested intense hostility to the Government in its efforts to suppress the rebellion, it afforded no basis for any action by the Senate.

Senator Trumbull said (see Cong. Globe, pt. 1, 2d sess., 37th Cong., p. 397):

"I tolerate the freest expression of opinion. I agree that any Senator may disapprove the acts of the administration, may disapprove the policy that is pursued to put down this rebellion; but when any Senator, or anybody else, does an act in favor of the men in arms against this Government, then I say he is giving aid and comfort to the enemy, and he becomes criminally culpable."

Referring to the second letter, Senator Sumner said (see Cong. Globe, supra, p. 415):

"I do not dwell on other topics of this second letter, because, though exhibiting bad temper and bad principles, they do not necessarily conduce to treason. The writer is welcome to express his 'utter contempt for abolitionism' and also to declare his early and constant opposition to what he calls 'the entire coercive policy of the Government.' Such declarations may render him an unsafe counselor, but they do not stamp him as a traitor. And it belongs to us, while urging this body of disloyalty in all its forms, to maintain at all hazards that freedom of speech which is the herald and safeguard of all other freedom."

When it is remembered that the second letter was written long after hostilities between the North and the South had actually begun, and "the coercive policy of the Government included all measures taken by the Government to put down the rebellion," it is apparent that even in the days of the fiercest passions of the Civil War the Senate never thought itself empowered to inquire into the utterances and acts of any Senator, except those involving some overt act of hostility to the Government.

The principles upon which the Senate proceeded, and concerning which there was substantial agreement, were stated by Senator Bayard, as follows (see Cong. Globe, vol. 1, supra, pp. 647, 648):

"The action of the Senate in all cases of expulsion must of necessity be judicial. I freely admit that by the terms of the Constitution the power of expulsion is absolute in two-thirds of the Members present constituting a quorum and that there is no restriction on the power expressed and no specification of the grounds on which expulsion must

be based. It is none the less judicial action. It is the punishment of an individual by deprivation of an office which he is entitled to hold unless criminal misconduct is proved against him. You may expel by the mere two-thirds vote of the Senate without any cause whatever, but that would not be the rightful exercise but a gross and tyrannical abuse of power. The punishment of an individual for misconduct in any mode, whether by deprivation of office or otherwise, in all free countries must necessarily be a judicial question, whatever may be the forum or the body in which the decision is to be made. The forms of proceeding in courts of justice may be dispensed with; the mere model rules of evidence may not be essential, but the great leading principles of evidence in all judicial trials can not be abandoned without palpable injustice where punishment is to follow the sentence of any tribunal. I care not whether you call the offense charged criminal misconduct or a misdemeanor; there must be an alleged charge proved according to rational inference from the facts adduced in the case or else injustice must be done. Difference of opinion, however wide, no matter how exciting or grave a subject on which that difference exists, will not justify an expulsion, unless, indeed, the doctrine is to obtain that a political party, having a two-thirds majority in this Chamber, can rightfully crush all opposition to its general policy or its particular measure by this power of expulsion. In my judgment, such can never be a rational construction of the constitution of a free representative government, be that government a monarchy or a republic."

"Sir, the precedents are in accordance with this. In Blount's case the judgment of the Senate was nearly unanimous. It was on criminal misconduct charged and proved in this case."

"In Smith's case the charge also was for participation in a conspiracy to destroy the United States or to subvert its Government as to a portion of its territory. Not sympathy with Mr. Burr, nor intimacy with Mr. Burr, but participation in his conspiracy was the charge in the resolution for the expulsion of Smith, on which the vote of the Senate was taken, but which failed on the yeas and nays by one vote."

"In both those cases the Senate allowed counsel to the accused, but he was charged with a distinct and specific act of criminal misconduct. It matters not whether the conduct of Blount amounted to a misdemeanor which could be reached by the statute law of the land, it was criminal misconduct proved in the case; and the action of the Senate was judicial. In the case of Smith it was not only criminal misconduct, but if true and proved, it was a crime under the statute law, and could also have been punished by the sentence of a court. Of the jurisdiction of the Senate in both these cases or in this I have no doubt. But, unless the action was intended to be judicial, it is impossible to suppose that the Senate on those resolutions for expulsion would have allowed counsel to be heard in defense of the accused. The whole course of the proceedings was also of a judicial character."

f. The case of Lazarus W. Powell.

The above case, the last I shall consider, and the last of the great Senate expulsion cases growing out of the Civil War, is instructive. It is reported in *Hinds' Precedents*, vol. 2, p. 827; *Compilation of Senate Election Cases*, supra, p. 1205; *Congressional Globe*, second session, Thirty-seventh Congress, pt. 2, pp. 1208-1234.

On February 20, 1862, a resolution was introduced in the Senate to expel Senator Powell, of Kentucky, based on the grounds among others that after the Confederacy had been formed and made war upon the United States he had presided at a convention in Kentucky and supported resolutions providing:

"2. That the war being now waged by the Federal Administration against the Southern States is in violation of the Constitution and laws, and has already been attended with such stupendous usurpations as to amaze the world and endanger every safeguard of constitutional liberty."

"That the recall of the invading armies and the recognition of the separate independence of the Confederate States is the true policy to restore peace and preserve the relations of fraternal love and amity between the States."

"6. That we heartily approve the refusal of Gov. Magoffin to furnish Kentucky troops to subjugate the South; and we cordially indorse his recent proclamation defining the position of Kentucky, in accordance with the sentiment of her people, and forbidding the invasion of Kentucky by Federal or Confederate troops."

"7. That although Kentucky has determined that her proper position at present is that of strict neutrality between the belligerent sections, yet, if either of them invade her soil against her will, she ought to resent and repel it by necessary force."

Senator Powell's course in the Senate had also been one of consistent opposition to the war and all the war measures. Speaking on the revenue bill when it was up for passage on the 2d of August, 1861, he said (see Cong. Globe, pt. 2, 2d sess., 37th Cong., p. 1212):

"I have steadily voted against all appropriations to carry on this war. I voted against the loan bill, and I have steadily voted against all war supplies. I cast those votes because I was opposed to the war; because I believe the war was calculated to eternally sever the States of this Union, and that it would result in no good, but manifest evil to every interest of the entire country. Having cast the votes I have, I can not conscientiously vote for this bill. I knew that the heavy amount of war supplies that were being voted by Congress would necessarily result in the most onerous taxation of the people. Those gentlemen who voted for those war measures, I suppose, can conscientiously vote for this bill; for the votes which they have given lead directly to it. Those who vote for war measures and war loans can properly vote for the taxes to raise the money to pay the debt. I have opposed the war having voted against the loan, having voted against the Army supplies, deem it my duty to vote against the bill, which I shall do."

Yet only 11 votes could be mustered in support of the resolution for his expulsion, while 28 votes were cast against the resolution.

2. The law of free speech.

From the time that the people demanded and secured the first amendment to the Constitution as a condition of ratification of that document there has been little controversy until the present time respecting freedom of speech and of the press. When the people wrote into the Constitution "the first amendment providing that 'Congress shall make no law . . . abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and petition the Government for a redress of grievances,'" they naturally felt from the language used that, so far as the Federal Government was concerned, the last word had been said on the subject. Until very recently it has been generally assumed that the Constitution meant what it said. So true is this that the Supreme Court of the United States has never had occasion directly to construe the free-speech clause of the Constitution.

In the case of *Reynolds v. United States* (98 U. S., 163) the Supreme Court approved the doctrine of the Virginia resolution of 1780, which provided:

"To suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy which at once destroys all liberty, because he, being, of course, judge of that tendency, will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own. It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

There appear to have been more decisions by the Federal courts of this country upon the free-speech clause of the Constitution during the past year than in all the 130 years preceding since the Constitution was adopted. The reason, of course, is that during the past year the right of the people to peaceably assemble and discuss public questions has been challenged as never before. That the Federal courts have, in the main, when the question has been presented, adhered to the ancient principles of a free press and free speech is both encouraging and reassuring. I shall take the space only to refer to a few of these cases.

These examples of the exercise of the right to criticize and denounce the Government cited under this and the next following subdivision of this brief are placed before you simply in order to show how very far anything Senator LA FOLLETTE is charged with saying comes from being objectionable under the decisions of the courts or the practice of the statesmen of this country. With the propriety or impropriety, wisdom or unwisdom, of such speeches and publications I have nothing to do.

The first case decided, I believe, on this subject since the war began was that of the *United States v. Baker and Wilhide*, in the United States District Court for the District of Maryland, decided on July 11, 1917, by Judge Rose, admittedly, I think, among the ablest district judges in the country. The charge against the defendants in that case was that of distributing literature and making speeches calculated to obstruct the operation of the draft law and discourage enlistments. The defendants were Socialists. The literature distributed was extremely violent in its denunciation of the war and the conscription law. One of the pamphlets, distributed at a public meeting called to promote enlistments, and entitled "The Price We Pay," contained, among other things, the following:

"Conscription is upon us; the draft law is a fact!
"Into your homes the recruiting officers are coming. They will take your sons of military age and impress them into the Army.
"Stand them up in long rows, break them into squads and platoons, teach them to deploy and wheel.
"Guns will be put into their hands; they will be taught not to think, only to obey without questioning.
"Then they will be shipped through the submarine zone by the hundreds of thousands to the bloody quagmire of Europe.
"Into that seething, heaving swamp of torn flesh and floating entrails they will be plunged, in regiments, divisions, and armies, screaming as they go.
"Yesterday I saw moving pictures of the battle of the Somme.

"The hospital camps were shown, with hundreds and thousands of wounded men in all stages of pain and suffering, herded like animals, milling round like cattle in the slaughter pens.
"All the horror and agony of war were exhibited, and at the end a flag was thrown on the screen and a proclamation said:
"Enlist for your country! The applause was very thin and scattering, and as we went out most of the men shook their heads and said:
"That's a hell of a poor recruiting scheme!
"It is the price you pay—you have rejected socialism."
"This war, you say, is all caused by the Kaiser, and we are fighting for democracy against autocracy. Once dethrone the Kaiser and there will be permanent peace.
"That is what they said about Napoleon. And in the century since Napoleon was overthrown there have been more and greater wars than the world ever saw before.
"There were wars before Germany existed; before Rome ruled; before Egypt dominated the ages.
"War has been universal, and the cause of war is always the same. Somebody wanted something somebody else possessed, and they fought over the ownership of it.
"This war began over commercial routes and ports and rights, and underneath all the talk about democracy versus autocracy you hear a continual note, an undercurrent, a subdued refrain: 'Get ready for the commercial war that will follow this war.'

"Commercial war preceded this war; it gave rise to this war; it now gives point and meaning to this war.
"And as soon as the guns are stilled and the dead are buried commercial forces will prepare for the next bloody struggle over routes and ports and rights, coal mines, and railroads.
"For these are the essence of this as of all other wars!
"This, you say, is a war for the rights of small nations, and the first land sighted when you sail across the Atlantic is the nation of Ireland, which has suffered from England for three centuries more than what Germany has inflicted upon Belgium for three years.
"But go to it! Believe everything you are told—you always have, and doubtless always will, believe them.
"Only do retain this much reason: When you have paid the price, the last and uttermost price, and have not received what you were told you were fighting for, namely, democracy—
"Then remember that the price you paid was not the purchase price for justice, but the penalty price for your stupidity!"

Judge Ross, addressing the counsel and the jury before taking any testimony, said that he desired at the outset to make it clear what the issue was to be tried. Among other things, he said:

"Any man has a perfect right to any opinion he may see fit to form about any law that is proposed or about any law that is on the statute books. Any man may do anything, in itself legal, to secure the repeal of any law that is on the statute books. To that end he may make any argument that commends itself to his reason and judgment against the policy of any particular law, whether it be the law for selective draft or any other. And he is not answerable for the wisdom of his argument. He could not very well be so answerable and put on trial even for the good faith of some of them. I am afraid, if he could be, that most of the political orators in every campaign would be put on trial for the good faith of what they said about the other party."

And as the judge pointed out, there was one limit, and only one limit, and that was that one might not argue that a law should be violated, even though it was done under the pretense of arguing for the law's

repeal. The sole question, as pointed out in various forms, was whether the defendants in anything that they did or said intended to persuade men to violate the law. And after the testimony was in, the court, in directing the jury to find a verdict of not guilty, said:

"You may have your own opinions about that circular; I have very strong individual opinions about it and as to the wisdom and fairness of what is said there, but so far as I can see it is principally a circular intended to get people to subscribe to some newspaper and to get recruits for the Socialist Party. I do not think that we ought to attempt to prosecute people for that kind of thing. It may be unwise in its effect, and it may be unpatriotic at that particular time and place, but it would be going very far, indeed, farther, I think, than any law I know of would justify, to hold that there has been made out any case here that there was an attempt to persuade men not to obey the law."

I have the certified copy of the opinion and indictment and one of the circulars, and shall be glad to submit same for examination if desired.

Judge Clarence W. Sessions, of the United States District Court for the Eastern District of Michigan, in the recent case of the *United States v. Freeman*, tried at Grand Rapids, Mich., October 19, 1917, set forth the same rule as that declared by Judge Rose. In that case it was charged that not only was the same pamphlet, "The Price We Pay," used to discourage enlistments, but also another one entitled "Proclamation and War Program," and the Socialist platform as well, which demands "continuous active and public opposition to the war." The evidence in the case was deemed sufficient to present some question of fact as to the intent. But in his charge to the jury Judge Sessions said:

"The distribution of literature here involved in itself and considered by itself is not unlawful."

"Every citizen of the United States has a legal right to have and to express an opinion against the approval of any proposed or pending legislation, and to have and express an opinion favoring the repeal or modification of any law after it has been approved and adopted."

"Every citizen has the right to have and express any opinion opposed to the principle of conscription, either before or after the enactment of the selective draft or conscription act approved on the 18th day of last May."

"During April, May, and June of this year, and hence during the period covered by this indictment, every citizen had the right to criticize the Government and its policies, including the Government's declaration of war against Germany. He had a right to oppose conscription as a governmental policy. He had a right to use all lawful means and efforts, either in connection with a political party or as an individual, to secure the repeal of the conscription law or to assist in protesting against the continued existence of such law."

The latest pronouncement of the courts upon the subject, and probably the clearest and most complete, is that contained in the charge of Judge Augustus N. Hand to the jury in the case of *United States v. Eastman et al.*, in the southern district of New York, delivered on April 25, 1918. I have procured the entire charge from the official reporter, which I will be glad to submit to the committee. I call particular attention to the following portions of the charge, which are unmodified by anything else in it, and which ably and correctly state the rule of law applicable alike to the humblest citizen and highest official in the land:

"I do not have to remind you that every man has the right to have such economic, philosophic, or religious opinions as seem to him best, whether they be socialistic, anarchistic, or atheistic, and that you should divorce yourselves from any prejudice you may have against any defendant by reason of proof of any such opinions on his part."

"Each defendant has the constitutional right of freedom of speech also, unless he violates the express law which he is accused of violating, no matter how ill timed, unsuited to your sense of propriety, or morally wrong his opinion, utterances, or writings may be."

"Every citizen has a right, without intent to obstruct the recruiting or enlistment service, to think, feel, and express disapproval or abhorrence of any law or policy, or proposed law or policy, including the declaration of war, the conscription act, and the so-called sedition clauses of the espionage act; belief that the war is not, or was not, a war for democracy; belief that our participation in it was forced or induced by powers with selfish interests to be served thereby; belief that our participation was against the will of the majority of the citizens or voters of the country; belief that the self-sacrifice of persons who elect to suffer for freedom of conscience is admirable; belief that war is horrible; belief that the allies' war aims were or are selfish and undemocratic; belief that the Hon. Elihu Root is hostile to socialism and that his selection to represent America in a socialistic republic was ill advised."

"It is the constitutional right of every citizen to express his opinion about the war or the participation of the United States in it, about the desirability of peace, about the merits or demerits of the system of conscription, and about the moral rights or claims of conscientious objectors to be exempt from conscription."

"It is the constitutional right of the citizen to express such opinions, even though they are opposed to the opinions or policies of the administration and even though the expression of such opinions may unintentionally or indirectly discourage recruiting and enlistment."

These are the rights jealously defended and freely exercised by the great statesmen and devoted patriots of this country from the beginning of the Government down to the present hour.

At the risk of repeating what is already familiar to all members of the committee, I have ventured to bring together at this point some quotations from the great speeches of the leading men of our country made during times of great national stress and peril, to show how freely those rights have been asserted at such times.

3. Free speech as practiced in war times.

a. Of the Civil War.

As I have previously shown in discussing the precedents, it was freely conceded during the Civil War, as stated even by Senator Trumbull and Senator Sumner, that freedom of discussion must be maintained even in the midst of war, and that the right could not be challenged to disapprove the acts of the administration in power and even the policies pursued to put down the rebellion. It will be recalled that the national Democratic Party adopted a plank in 1864 strongly condemning the war. In its platform adopted in Chicago August 29, 1864, upon which George B. McClellan was nominated for President, it declared that—

"Justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to the ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

Also—

"That the direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware was a shameful violation of the Constitution, and a repetition of such acts in the approaching election will be held as revolutionary and resisted with all the means and power under our control."

b. The Mexican War.

During the Mexican War the acts of the Government in prosecuting the war and the policy of the Government in declaring it were mercilessly condemned by men whose patriotism and devotion to their country's interest no one would think of questioning. It was a favorite device in that war, as it has been in all wars, for the war party to assert that anyone who opposed the declaration of war or any policy of the Government concerning the war was prolonging it, and for that reason was guilty of reprehensible conduct. It has remained, however, for the members of the various so-called defense committees and public-safety commissions of the present time to brand as treason and disloyalty all expressions of opinion in opposition to the war purpose or program of the administration. The most charitable thing that can be said of such men is that their zeal has far outrun their intelligence. Mr. Lincoln evidently did not feel that condemnation of the wisdom as well as the integrity of the administration during the Mexican War involved disloyalty or impropriety on his part. In the midst of the war and on January 12, 1848, in the House of Representatives, Mr. Lincoln bitterly assailed the whole war program of the President. Among other things, he said:

"Some, if not all, the gentlemen on the other side of the House, who have addressed the committee within the last two days, have spoken rather complainingly, if I have rightly understood them, of the vote given a week or 10 days ago, declaring that the war with Mexico was unnecessarily and unconstitutionally commenced by the President. I admit that such a vote should not be given in mere party wantonness, and that the one given is justly censurable, if it have no other or better foundation. I am one of those who joined in that vote; but I did so under my best impression of the truth of the case. How I got this impression, and how it may possibly be removed, I will now try to show."

"Then he (the President) suggests the propriety of wheedling the Mexican people to desert the counsels of their own leaders and trust in our protection to set up a government from which we can secure a satisfactory peace, telling us that 'this may become the only mode of obtaining such a peace.' But soon he falls into doubt of this, too, and then drops back onto the already half-abandoned ground of 'more vigorous prosecution.' All this shows that the President is in nowise satisfied with his own positions. First he takes up one position, and in attempting to argue us into it he argues himself out of it; then seizes another and goes through the same process; and then, confused at being able to think of nothing new, he snatches up the old one again which he has some time before cast off. His mind, tasked beyond its power, is running hither and thither like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease."

"Again, it is a singular omission in this message that it nowhere intimates when the President expects the war to terminate. At its beginning Gen. Scott was by this same President driven into disfavor, if not disgrace, for intimating that peace could not be conquered in less than three or four months. But now, at the end of about 20 months, during which our arms have given us the most splendid successes, every department and every part, land and water, officers and privates, Regulars and Volunteers, doing all that men could do and hundreds of things which it had ever before been thought men could not do; after all this this same President gives us a long message without showing us that, as to the end, he has himself even an imaginary conception. As I have before said, he knows not where he is. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity." (See Cong. Globe Appendix, 30th Cong., 1st sess., pp. 93-95.)

On January 2, 1848, Mr. Ashmun, of Massachusetts, in the House of Representatives, offered his amendment to the Houston resolution of thanks to Gen. Taylor. This amendment inserted in the resolution of thanks the words that the Mexican War was "unnecessarily and unconstitutionally begun by the President of the United States." The Ashmun amendment was adopted by a vote of 85 to 81, Mr. Lincoln voting with the majority. (See Cong. Globe, 30th Cong., 1st sess., p. 95.) A subsequent motion to expunge the amendment was lost by even a larger vote. It is to be recalled that Mr. Ashmun was made chairman of the Republican convention which met in Chicago and nominated Mr. Lincoln for the presidency on May 18, 1860.

Alexander H. Stevens, of Georgia, in a speech on February 15, 1847, while the Mexican War was at its height, said:

"The President has more than once told us that the war is not waged for conquest. Is there a friend of his on this floor who supposes that anybody familiar with the unparalleled duplicity of his administration will do the President the injustice to believe him. Every act of his toward Mexico before the war began and since the war began displays his policy too clearly to be mistaken." (See McMaster's History of the United States, p. 477; also Cong. Globe, 29th Cong., 2d sess., p. 401.)

It will be remembered that Congress was far more united in its declaration of the war against Mexico than it was in declaring the present war. There were but two votes in the Senate against the declaration of war, Clayton of Delaware and Davis of Kentucky. Senators Berrien, Calhoun, and Evans, being in their seats, did not vote. (See Cong. Globe, p. 804, 1st sess., 29th Cong.) There were 12 votes against the declaration of war in the House of Representatives. (See Cong. Globe, 29th Cong., 1st sess., vol. 3, p. 797, also p. 824.)

The President, in his annual message to Congress, December, 1846, took occasion to justify the declaration of war against Mexico which he had obtained from Congress on May 13, 1846, at its previous session, and pointed out the number of lawless acts perpetrated upon the property and persons of our citizens by Mexico and of wanton insults to our national flag. Of those who opposed the war the President said:

"The war has been represented as unjust and unnecessary, and as one of aggression on our part upon a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated, not only at home but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy to adhere to their cause and thus give them aid and comfort." (See Cong. Globe, 29th Cong., 2d sess., p. 4.)

Charles H. Hudson, of Massachusetts, speaking in the House of Representatives, referring to the above-mentioned portion of the President's speech, said:

"I look with equal indifference upon the denunciations of the President and of his flatterers on this floor. I will speak my sentiments here or elsewhere, and I will speak them fully. If I believe the Executive is wrong in any of his measures, I will make the declaration. If I believe he has usurped power and trampled upon the Constitution of the United States, none of the denunciations or sarcasms of gentlemen on this floor will deter me from giving a full expression of these my views and feelings. Nothing, I say, that the President can say or do will deter me in any degree from a full and fair expression of my own opinions. Has it come to this, Mr. Chairman, that a President can arrogate to himself the war-making power, can trample the Constitution under foot, and wantonly involve the Nation in war, and the people must submit to this atrocity and justify him in his course or be branded as traitors to their country? Why, sir, if this doctrine prevails, the more corrupt the administration is, if it has the power or the daring to involve this Nation in a war without cause, the greater is its impunity, for the moment it has succeeded in committing that outrage every mouth must be closed and everyone must bow in submission. A doctrine more corrupt was never advanced; a sentiment more dastardly was never advocated in a deliberative assembly. Gentlemen who profess to be peculiar friends of popular rights may advance doctrines of this character, and they may be in perfect accordance with their views and feelings and in conformity with their democracy; but I have too much of the spirit which characterized our fathers to submit to dictation from any source whatsoever, whether it be foreign monarch or an American President."

"I believe, Mr. Chairman, that the first principal declaration contained in the message of the President—that the war exists by the act of Mexico and that we have taken all honorable means to prevent it—to be an untruth."

"The message, Mr. Chairman, declares that the existing war with Mexico was neither desired nor provoked by the United States; on the contrary, all honorable means were resorted to to avert it! This declaration I believe to be absolutely untrue." (See CONGRESSIONAL GLOBE, Appendix, 29th Cong., 2d sess., pp. 49-59.)

The above quotations from Mr. Hudson are but typical of what was said freely in Congress and out of Congress and published freely in newspapers throughout the country. Indeed it appears that books and pamphlets of quotations from leading newspapers of the United States, condemning the war policy of our Government were made up in Mexico and circulated among the people of Mexico to arouse them to oppose the invasion of American troops. (See CONGRESSIONAL GLOBE, Appendix, 1st sess., 30th Cong., p. 436.)

Joshua A. Giddings, of Ohio, in a memorable speech on the Mexican War, December 14, 1846, said:

"When the Members of the House met in this place two years ago the country was at peace, at profound peace, with all the world. Industry received its legitimate reward, agriculture and maintenance were flourishing and general prosperity was spread over the land. Then a great and sudden change came over our public policy; the party in power was seized with an inordinate desire to extend our territorial possessions, and thus, in the cant language of the day, 'to enlarge the area of freedom.' The party in opposition opposed it to the extent of their ability. Thus the two parties stood, on this great question, directly opposed to each other. But the extension policy prevailed, and in two short years a great and important change took place in our whole policy and condition. A foreign war of conquest now existed; the Nation was involved by it in a vast expenditure and in the guilt of deepest crimes. The people were called on to pour out their treasure and their blood upon a foreign soil. The result was just such as had been foreseen and distinctly foretold."

"Mr. G. said he was aware that an idea was extensively indulged that whenever our country was engaged in war, he it just or unjust, every true-hearted American was bound to support it with all his power. He denied it utterly. For the present he would content himself with referring to the fact that the whole country were putting to each other the question, 'For what is our Army sent into the territory of a sister Republic and we taxed to carry devastation and bloodshed into the heart of a foreign country? What benefit is to result to us; what good to the world of mankind?' These questions demanded an answer. The President had presented his plea of self-defense, but had left the question unanswered." (Cong. Globe, 29th Cong., 2d sess., p. 34.)

Mr. Calhoun made a memorable speech in the Senate of the United States on the Mexican War on February 24, 1847. At that time the war had been in progress for many months, and the military operations were proceeding rapidly. Mr. Calhoun had shown himself to be patriotic rather than partisan in opposing the war. Moved by a high sense of duty, he had determined to oppose the war, even though it cut him off from his former political associations and thwarted whatever political ambition he might possess. In the speech above referred to, among other things, he said:

"Every Senator knows that I was opposed to the war, but none knows but myself the depth of that opposition. With my conceptions of its character and consequences, it was impossible for me to vote for it. When, accordingly, I was deserted by every friend on this side of the House, including my then honorable colleague among the rest [Mr. McDuffie], I was not shaken in the least degree in reference to my course. On the passage of the act recognizing the war I said to many of my friends that a deed had been done from which the country would not be able to recover for a long time, if ever; and added, it has dropped a curtain between the present and the future, which to me is impenetrable; and for the first time since I have been in public life I am unable to see the future. I also added that it has closed the first volume of our political history under the Constitution, and opened the second, and that no mortal could tell what would be written in it. These deep impressions were made upon my mind because I saw, from the circumstances under which the war was made, a total departure from that course of policy which had governed the country from the commencement of our Government until that time; and that, too, under circumstances calculated to lead to most disastrous consequences. Since then less than a year has elapsed, but in that short period enough has already been developed to make what was then said look like prophecy." (See Cong. Globe, Appendix, 29th Cong., 2d sess., p. 500.)

History has fully vindicated the prophetic judgment of Mr. Calhoun. Whatever possibility of peaceable settlement of the slavery question previously existed were destroyed by the annexation of Texas and by the conquests of the Mexican War. It has been said that the Civil War was the awful price we paid for the unjust war provoked with Mexico. Be that as it may, it is certain that the events of the Mexican War and the conditions growing out of it led on naturally to the Civil War. If so minor an event, comparatively speaking, as the declaration of war against Mexico might properly raise forebodings in the mind of Mr. Calhoun and others, what must have been the possibilities of danger to

our country which presented themselves to the minds of the statesmen of the present day when the result of our entry into this war were considered. Is a Senator disloyal because he was unwilling to take the responsibility of voting for the declaration of war, with all its awful consequences, or because, since war has been declared, he is anxious to find some honorable and just means of escaping from it before this country is reduced, possibly, to the condition of the warring nations of Europe? Whatever may be the thought of the wisdom or unwisdom of those who believe the war could have been avoided or still believe that some peace is possible short of the annihilation of one or the other set of warring nations, it is certain that they are entitled to their opinions and are entitled to express them.

It can not be successfully claimed that the foregoing speeches were made under the protection of the privilege of the Senate or House of Representatives, for the speeches were widely published, and, moreover, equally strong condemnation of the administration was made in speeches outside the Congress and appeared in many newspapers throughout the country.

Charles Sumner, in a speech at Tremont Temple, Boston, November 5, 1846, said:

"The Mexican War is an enormity born of slavery. . . . Base in object, atrocious in beginning, immoral in all its influences, vainly prodigal of treasure and life, it is a war of infamy which must blot the pages of our history."

Mr. Webster, at Faneuil Hall, on November 6, 1846, speaking of the Mexican War, said:

"Mr. Chairman, I wish to speak with all soberness in this respect, and I would say nothing here to-night which I would not say in my place in Congress or before the whole world. The question now is, For what purposes and to what ends is this present war to be prosecuted? . . . It is time for us to know what are the objects and designs of our Government. . . . We are, in my opinion, in a most unnecessary and therefore a most unjustifiable war."

Henry Clay, in a memorable address at Lexington, Ky., on the 30th day of November, 1847, answered completely and in his masterly manner the arguments sometimes heard to-day that being in war all power must be given to the President. Among other things, he said:

"Either Congress or the President must have the right of determining upon the objects for which a war shall be prosecuted. There is no other alternative. If the President possess it and may prosecute it for objects against the will of Congress, where is the difference between our free Government and that of any other nation which may be governed by an absolute czar, emperor, or king?"

McMaster's History of the People of United States, in Volume VII, page 497 and subsequent pages, gives various quotations from newspapers which condemn in the most violent language the conduct of the administration in the Mexican War. These publications appeared during the war.

In Great Britain there has been the same freedom on the part of the press and the public in condemning war policies, as we find has always existed in this country. It would be hard to parallel any denunciations of war in this country with the language used by Lloyd George, in 1901, in considering the Boer War. (See Du Parc's Life of David Lloyd George, vol. 2, pp. 216, 217, and subsequent pages.)

The philippics delivered by Fox, Burke, and Chatham against the British Government for the prosecution of the war against the American Colonies are among the classics of English literature and familiar to every schoolboy, while the terrific indictment of his Government by John Bright for its part in the Crimean War was a work for which his name is now most honored by his fellow countrymen.

But it is idle to pursue this subject further. Even at the present day there is a strong minority in each of the parliaments of the warring countries of Europe frankly and openly opposed to the policies of their respective governments in this war. Hereto attached and marked Appendix I is a record of the votes against war credits in the German Reichstag and French Chamber of Deputies during the present war and in the House of Commons during the Boer War. I have not been able to find a record of opposition votes in the British Parliament during the present war. The votes given in the appendix are correct according to the legislative reference division of the Library of Congress.

As Appendix 2 to this brief I also attach quotations from German newspapers showing the frank and outspoken opposition to the war on the part of a portion of the German press.

c. The War of 1812.

The war was declared on the 18th day of June, 1812, and concluded by the treaty at Ghent on the 24th day of December, 1814. I shall not here review the distressing events which led up to the declaration of war against Great Britain in 1812. What was endured before taking up arms against Great Britain is well stated in the Garner and Lodge History of the United States, Volume III. In spite of this provocation, however, the Legislature of Massachusetts declared that the war was a "wanton sacrifice of our best interest." The House of Delegates of the State of Maryland, in a memorial addressed to Congress presented in the House of Representatives February 2, 1814, said, among other things, that they were—

"Convinced . . . that the war might have been avoided."

Also,

"That peace might be restored without dishonor to the country the present conjuncture seems to us highly favorable for a reconciliation with England, and it is fairly and honestly desired." (Annals, 13th Cong., 1st and 2d sess., vol. 1, pp. 1205, 1209.)

Hon. Morris S. Miller, a Representative in Congress from the Utica, N. Y., district, in the course of the discussion in the House of Representatives on the bill for the encouragement of enlistments, said:

"We have been told by honorable gentlemen on the other side of the House that, however much we may have been originally opposed to the war, it now becomes our duty to withhold our opposition and afford all the means in our power to carry it on with the utmost vigor. To this opinion I can not subscribe; it goes to the destruction of civil liberty and will not find advocates on this side of the House. This doctrine strikes at the vitals of your republican institutions. It amounts to neither more nor less than this: That a weak and wicked administration (I speak not particularly of the present men in power), finding the confidence of the people withdrawn and their power about to pass into other hands, have nothing to do but to declare war, and instantly all opposition must cease; the men who happen to be in place at the time of the declaration of war, however weak, however incompetent, and however profligate, must be supported at every hazard. To this doctrine I object, as it goes directly to the destruction of civil liberty. The people of this country, I am proud to say it, have an undoubted right to pass upon the conduct of public men and examine the tendency of public measures in war as well as in peace." (Annals, 13th Cong., 1st and 2d sess., vol. 1, p. 956.)

Hon. Abijah Bigelow, a Member of the House of Representatives from Massachusetts, speaking against the loan bill, February 9, 1814, said:

"I shall vote against it on the principle that it is to obtain money to prosecute a war of invasion and conquest—a war which has been as unwisely managed as it was improvidently declared. I shall vote against it on the principle that the measures which preceded and produced it were radically wrong." (Annals, 13th Cong., 1st and 2d sess., vol. 1, p. 1274.)

Hon. Timothy Pitkin, of Connecticut, speaking in the House of Representatives on the bill, said:

"Believing, as I do, that in this war of conquest we are sacrificing our men and expending our money without a prospect of any adequate advantage, I feel justified in voting against a loan of so many millions for this object." (Annals, 13th Cong., 1st and 2d sess., vol. 1, p. 1286.)

Hon. Cyrus King, a Member from Massachusetts, speaking in the House of Representatives upon an amendment to the bill to encourage enlistments in January, 1814, is reported as follows:

"Mr. King said it was not his wish to impede the recruiting service or throw any obstacle in the way of it. Far from it. A responsibility, a deep responsibility, certainly rested with those who commenced the war, and every fair and honorable means they could take ought to be allowed them to carry on their war. Gentlemen are accused, said he, of departing from those principles which actuated our forefathers, because they oppose the measures now proposed. I ask the gentleman from Maryland who have, in fact, departed from them? Who are acting over again the former tyranny of the British Government against this people? Who are cutting off our commerce and depriving us of our accustomed modes of industry and support of our families? Against that tyranny we did defend ourselves in time of old, and we shall have no difficulty, when attempted, of again doing the same." (Annals, 13th Cong., 1st and 2d sess., vol. 1, p. 932.)

Hon. Daniel Sheffey, a Representative from Virginia, speaking in the House of Representatives for the bill to provide an additional military force, in January, 1813, said:

"It is said that war having been declared all considerations as to its policy or justice are out of the question, and it is required of us as an imperative duty to unite on the measures which may be proposed by them for its prosecution, and we are promised a speedy, honorable, and successful issue. Do gentlemen require of us to act against our convictions? Do they ask that we should follow with a reluctant step in the career which we believe will end in ruin? Or do they suppose that while on the simplest subject an honest diversity of sentiment exists on this complicated and all-important one our minds are cast into the same mold? Uniformity of action is only desirable where there is uniformity of sentiment, and that on most subjects will only exist where the mind is enchained by the fear which despotic power inspires."

"But it has been said that the obedience to the will of the majority is the first principle of representative government and enjoins what gentlemen require. Yes, sir, obedience to all constitutional acts is a high and commanding duty on the part of the minority and the people, and all factious opposition is highly criminal. But this does not prevent anyone in the House or in the Nation to use every effort to arrest the progress of evil or to effect a repeal of measures injurious to the public interest. And how can this be done unless there is full liberty to think and to speak and act as our convictions shall dictate? If this be denied, then there is an end to free government. A majority never can be corrected. They are irresponsible and despotic; they may prepare the yoke when they please; we must submit to it in silence." (Annals, 12th Cong., 2d sess., vol. 3, p. 681.)

Daniel Webster, in a speech in the House of Representatives January 14, 1814, strongly opposing the policy of the administration in prosecuting the war of 1812, and particularly addressing himself to the attempt then made to discourage discussion of the war by those opposed to it, said:

"Important as I deem it to discuss on all proper occasions the policy of the measures at present pursued, it is still more important to maintain the right of such discussion in its full and just extent. Sentiments lately sprung up, and now growing fashionable, make it necessary to be explicit on this point. The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretenses the firmer shall be the tone in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a 'home-bred right', a fire-side privilege. It has ever been enjoyed in every house, cottage, and cabin in the Nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty; and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall then place myself on the extreme boundary of my right and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise within this House, and without this House, and in all places; in time of war, in time of peace, and at all times. Living I shall assert it, dying I shall assert it, and should I leave no other inheritance to my children, by the blessing of God I will still leave them the inheritance of free principles and the example of a manly, independent, and constitutional defense of them." (See Annals, 13th Cong., supra.)

4. Analysis of the speech of September 20, 1917.

It will be observed that the only question the subcommittee has ever had before it for consideration outside of procuring a correct copy of the speech, which Senator LA FOLLETTE furnished it, is "the accuracy of the statements contained in the speech." Up to the present time, at least, no evidence has been produced before the committee, of which we have any information, to show that any of the statements made in the speech are inaccurate, nor has the committee complied with Senator LA FOLLETTE's request, repeatedly made, to specify any portions of the speech the accuracy of which was ever questioned by anyone. The resolution of the Public Safety Commission, which is the basis of this investigation, does not contain any charge or suggestion that any statement in the speech is inaccurate in point of fact. The charge is that the speech "is of a disloyal and seditious nature" and has "served to create treasonable sentiments in the State of Minnesota." Senator LA FOLLETTE has affirmed on this record that he believed all statements in the speech to be true at the time he made them and that he still believes them to be true. Nearly eight months have elapsed since the speech was made and no proof has been forthcoming that any statement in it was inaccurate, and certainly no suggestion has been made that Senator LA FOLLETTE did not believe, and have good reason to believe, in the accu-

racy of every statement made. In any discussion, therefore, based upon the present state of the record, we must assume the accuracy of the statements made in the speech or at least that Senator LA FOLLETTE believed and had good reason to believe in their accuracy when he made them.

Turning now to the speech in question characterized by the Public Safety Commission as "disloyal and seditious" and declared to have created "reasonable sentiments in the State of Minnesota," it will be found that there is not a word in it suggesting disloyalty or sedition, but, on the contrary, that the speech is highly patriotic and strongly and dramatically urges upon all citizens the duty of defending our Government and of perpetuating our institutions. It is not only the enemy from abroad whose attacks we must meet, according to Senator LA FOLLETTE, but the enemies in our own household. This address, it is to be remembered, was made before "a large audience" composed of the sturdy, intelligent, and independent farmers of the Northwest. The persons present were largely members of a nonpartisan organization formed to advance and protect the interests of the farmers. This was hardly the place one would naturally select to plot treason or to give expression to treasonable or seditious sentiments. Until these days of "public safety commissions," "loyalty leagues," and "vigilance committees," I had supposed that treason was a crime of darkness plotted in secret and its plans matured by stealth, but it seems, according to the charge of the Minnesota "Public Safety" Commission, that Senator LA FOLLETTE launched his disloyal and treasonable utterances before a large audience of that element of our people most earnest and most loyal and most intelligent in their support of our Government and our institutions. I observe from the first page of this speech that Senator LA FOLLETTE's address was immediately preceded by the singing of our national anthem, to which he paid tribute with words of eloquence and fervor. I suppose that to the members of the Public Safety Commission this is only another evidence of a dark and devilish conspiracy on the part of the farmers of the great Northwest, aided and abetted by Senator LA FOLLETTE, to disrupt and destroy their Government in order that they might turn their farms and homes and their families over to an invading host of German enemies. I wish to treat quite seriously this charge against Senator LA FOLLETTE, for it has been dignified by being made the subject of an investigation by one of the great committees of the Senate of the United States, but, except for the standing which that charge has received by being noticed by a committee of the United States Senate, it would not, I believe, be treated seriously by anyone who has read the speech upon which it is based.

This address starts with the declaration that political parties have failed to give the people real representative government, and that is the reason why the Nonpartisan League has been called into existence. Emphasizing the importance and necessity for patriotism, Senator LA FOLLETTE said:

"Think for a moment for what Washington's army starved and froze at Valley Forge, warning their stiffening fingers at the meager camp fires! It was that we should have built up here in this country of ours the one Government on this earth that should be truly representative of the people."

Senator LA FOLLETTE then passed rapidly in review the Granger movement and the fight made by himself in Wisconsin and by others in the Middle West to make our Government more representative of the people and to preserve liberty and justice in our laws. The fight over the revenue bill recently passed by the United States Senate was then taken up and the statement made that the little group of Senators who demanded higher taxes for war profits and excessive incomes were simply making the same fight that had been made in Wisconsin and other States of the Middle West to make wealth bear its fair share of the burdens of government. This naturally led up to the fact that we were in war and that the necessity of raising immense sums of money was occasioned by the war, and it is apparent that Senator LA FOLLETTE's purpose merely was to deal with the war as a fact and consider the question of how the war should be financed. He frankly stated what is well known to everyone, namely, that he was not in favor of going into war, but he added, "I don't mean to say that we had not suffered grievances; we had [a voice, "Yes!"] at the hands of Germany. Serious grievances! [A voice: "You bet!"]

It is evident from the text of the speech that the person interrupting from the audience, knowing that Senator LA FOLLETTE had voted against going into the war, sought to embarrass him in his address by emphasizing the serious nature of the grievances which led a majority of the Congress to vote for the declaration of the war. Senator LA FOLLETTE then did what any ready speaker would do under the circumstances who wished to keep control of his meeting. He made a quick turn upon the interrupter from the audience, mentioning as one of our grievances the interference with our right to travel upon the high seas on ships loaded with munitions for Great Britain. Senator LA FOLLETTE did not say that this was our only grievance or that solely on account of this we went to war. He described this as a technical right and one which was too small to involve us in the awful consequences of this war. This discussion led to a further interruption from the audience, appearing near the top of page 15 of the speech, merely shown by the reporter's notes as "Another interruption." (Committee print.) As a matter of fact, as explained in the note of Senator LA FOLLETTE to the chairman of the committee accompanying the speech, and as is undisputed, this interruption consisted of some one shouting from the audience, "How about the *Lusitania*?" Senator LA FOLLETTE did not reply to this interruption for a moment, but he said, "Wait just a minute," and then completed his thought and a few sentences later, as shown by the text at the bottom of page 16 and top of page 17, stated that before the *Lusitania* sailed President Wilson had been warned by Secretary Bryan that she carried explosives and a large amount of ammunition, asserted by the Senator to be 6,000,000 rounds, and that it was in violation of a statute of this country to allow passengers to travel upon vessels carrying dangerous explosives, and that Secretary Bryan appealed to President Wilson to stop passengers from sailing on the *Lusitania*. Here again it is obvious that all this was said on the spur of the moment in reply to an apparently hostile critic from the audience. Now, this merely stated in detail what, in substance, was common knowledge at the time of the sinking of the *Lusitania*. The manifest of the *Lusitania* published at that time in the newspapers of the country showed that she carried a large quantity of ammunition, and a calculation will show that she carried the number of rounds of ammunition stated by Senator LA FOLLETTE. Carrying ammunition was as much a part of the business of the *Lusitania* at that time and of the other great English vessels as was the carrying of passengers. The people of this country, the Congress, and the administration in power, not only knew the practice but were divided upon the policy of permitting it. Secretary Bryan, as is well known, resigned from the

Cabinet and gave publicly as one of the reasons for resigning the fact that the President would not warn passengers not to travel upon munition-laden ships.

One has but to recall the history of the sinking of the *Lusitania* and interviews given by the United States Senators and others at the time, published generally in the press, and the controversy which raged throughout the country over the wisdom or unwisdom of the President's policy in refusing to warn passengers not to travel on munition-carrying ships to be aware that the substance of everything that Senator LA FOLLETTE said on the subject was at that time common knowledge. If anyone disputes the accuracy of the specific statements made by Senator LA FOLLETTE in this matter and the committee thinks it important to take up the investigation of the question in such a way that the attendance of witnesses may be compelled and the production of documents required, Senator LA FOLLETTE will be pleased to submit the detailed proof of the facts stated, which proof will, I feel sure, satisfy the committee that every statement made by him was correct.

From this point the speech discusses the relative merits of taxation and bond issues as a means of financing the war, and it is so obviously a fair and candid discussion of the subject that I am unable to conceive that even the Public Safety Commission of Minnesota can find any portion of it open to criticism. From the first word to the last in his speech it breathes the spirit of loyalty and devotion to the institutions of this country and to the rights of the common people.

I am aware that when this speech was delivered a large portion of the press of the country misrepresented it and misquoted it. For example, the statement made in the speech that we had suffered serious grievances at the hands of Germany was utterly misquoted, and the statement went broadcast through the press of the country that Senator LA FOLLETTE had said, "We had suffered no grievances at the hands of Germany." In many other respects, also, the speech was glaringly misrepresented. The attack which Senator LA FOLLETTE frankly made in the speech upon those who were profiting largely from the war and escaping just taxation at the same time aroused great bitterness, and, I have no doubt, led to the filing of the charges in question. I suppose that at the time these charges were referred to the subcommittee, and certainly at the time the Senate referred them to the Committee on Privileges and Elections, few, if any, of the Senators had read a true copy of the speech, and this, I assume, accounts for the fact that the speech was even referred to a committee of the Senate for investigation. It is no doubt true that the sentiments expressed in the speech are displeasing to many persons and many interests, but the charge that it contains anything disloyal or seditious or anything that a Senator of the United States, or, for that matter, any citizen, might not properly say is grotesquely absurd. Significant of Senator LA FOLLETTE's attitude of mind at the time he made the speech, what he did not say is as important as what he did say. Had he desired to embarrass the administration or to raise a doubt concerning the wisdom of the declaration of war he would have referred to the part played by Great Britain as well as by Germany in drawing us into the war.

The protests of our Secretary of State against the unlawful acts of Great Britain are a matter of record as much as are the protests against the unlawful acts of Germany. On the 4th day of April, 1917, Senator LA FOLLETTE made a speech in the Senate in opposition to the declaration of war. That speech shows on his part a complete mastery of the arguments against the declaration of war and a firm conviction that our Government should not declare war. I have heard that speech referred to by gentlemen not in agreement with Senator LA FOLLETTE as one of the ablest ever delivered in the Senate. It certainly marshals in a masterly manner the arguments against the wisdom of the declaration of war. Had it been the thought of Senator LA FOLLETTE in the St. Paul speech to express opinions opposed to the prosecution of this war, or even to the policies of the administration concerning it, he would certainly have stated those reasons against our going into the war which appealed to him as sufficient for opposing the declaration of war. Of course, he would have been entirely within his constitutional rights in so doing. This, however, was no part of the purpose of the speech, as any fair reading of it must show. In this speech to a sympathetic audience Senator LA FOLLETTE stated, as he has stated in the Senate, that the war must be accepted as a fact and dealt with as the best interests of our country and our people require. He did not pretend that he approved our going into the war, but asserted that we were in it in a lawful and constitutional manner and that it brought obligations to every citizen which must be faithfully discharged. The manner of discharging the obligation to raise the money to conduct the war was the theme of Senator LA FOLLETTE's speech, and he turned aside from the thread of his argument merely to silence interruptions from the audience concerning the grievances which led us into the war, and the *Lusitania's* sinking, and spoke with self-restraint in so doing. The whole speech shows that Senator LA FOLLETTE did not even attempt to exercise the constitutional rights which he and every other citizen must have to express opinions about the wisdom or unwisdom of our participating in the war.

Was it unlawful for the *Lusitania* to transport at the same time passengers and dangerous explosives?

It may be urged that Senator LA FOLLETTE was in error in declaring that it was in violation of our statute to carry passengers and dangerous explosives at the same time on the *Lusitania*. Quite aside from the proposition that an erroneous view of the law is hardly a ground for expelling a Senator from the United States Senate, the fact is that in this, as in other respects, the statement made by Senator LA FOLLETTE was supported by undoubted authority.

In August, 1882, the Congress passed as chapter 574, law of 1882, an act entitled "An act to regulate the carriage of passengers by sea." That law has been continuously in force from that day to this. It was carried into the last compilation of the Federal statutes (see United States Compiled Statutes, 1916) and is found in sections 7997-8015 of such revision. Section 8 thereof, the section here material, is found in section 8005 of the revision. The statute is also carried in the pamphlet laws issued by the Department of Commerce in 1916, entitled "The laws governing the Steamboat-Inspection Service."

Section 8 of the passenger act of 1882, so far as is here material, is as follows:

"That it shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitroglycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel."

If we go no further than the manifest of the *Lusitania* as published in the press of this country on May 8 and 9, 1915, we find that the *Lusitania* was carrying 4,200 cases of "cartridges and ammunition": 1,271 cases of "ammunition," besides a large quantity of "military goods." Knowing the minimum amount of gunpowder a cartridge carries and the number of cartridges in a case, it is easily ascertained that the cartridges alone on board the *Lusitania* contained many tons of gunpowder, not to mention the other "ammunition" referred to.

That gunpowder, although inclosed in the metallic case of a cartridge, especially when carried in such quantities, comes within the prohibition of the above statute is neither open to question under the language of the statute nor according to the decisions of the court.

In *United States v. Giordani* (163 Fed., 772) the precise question was before Judge Chatfield, Circuit Court of the Southern District, New York. The case was decided June 1, 1908. At that time section 4476 of the Revised Statutes was in force. That section provided:

"Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitroglycerin, camphene, naphtha, benzene, benzole, coal oil, crude or refined petroleum, oil of vitriol, nitric acid or other chemical acids, oil or spirits of turpentine, friction matches, or other articles of a like character, otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessels as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding \$2,000 or imprisonment not exceeding 18 months, or both; one-half of the fine to go to the informer and the articles to be liable to seizure and forfeiture."

The defendant was indicted for violating the above statute. In the opinion it said: "The defendant has been indicted for (1) knowingly unlawfully attempting to ship as merchandise upon the steamer called the *Gracia* certain casks containing rifle cartridges, each cartridge containing 70 grains, in some cases, and in others 40 grains of gunpowder. . . . (2) For knowingly and unlawfully attempting to ship gunpowder and other articles of like character not duly packed and marked—that is to say, certain cartridges—both indictments being made under the provisions of section 4476 of the Revised Statutes of the United States (U. S. Compiled Stats., 1901, p. 3052). . . . As will be shown later, the defendant contends that cartridges are not included in the statutory term 'gunpowder.'"

The *Gracia* was a foreign vessel, and the defendant claimed that the provisions of section 4476 did not apply to the transaction. After disposing of this question, and upon a careful review of the statutes, holding that the statute applied even though the *Gracia* was a foreign vessel—apparently a freight boat—the court said:

"The further objection that cartridges are not 'gunpowder' but a manufacture of brass and gunpowder does not seem to be well founded. Not only does the United States Government so classify cartridges in its regulations for the carrying of explosives under authority of section 4422 of the Revised Statutes, but the fact that no chemical or physical change of substance has occurred and that the brass envelope, while it protects, does not affect the substance in any way shows that this classification is correct."

The St. Paul speech, for convenience of reference, is hereto attached, marked "Appendix 3," and I have inserted in it the corrections noted by Senator LA FOLLETTE in the letter of October 11 last to the committee, transmitting a copy of the speech.

POINT II.

Since the speech of September 20, 1917, affords no reason for expelling Senator LA FOLLETTE, the charges of the Minnesota Commission of Public Safety must be dismissed.

I believe that I have demonstrated from the precedents of the Senate, from the decisions of the courts, and the uniform practice of our people that nothing was said by Senator LA FOLLETTE in his speech of September 20 last at St. Paul which can be construed into opposition to the acts of war policies of the present administration and that he would have been entirely within his rights had he expressed opposition to both. He did not say that the war was unconstitutional begun by the President, as Mr. Lincoln and a majority of the House of Representatives declared the Mexican War was begun, and declared it, too, in the midst of that war. On the contrary, Senator LA FOLLETTE said that the present war was constitutionally begun and emphasized that fact. He did not say, as Mr. Lincoln and the others said of the Mexican War, that the present war was even unnecessarily begun by the President. On the contrary, he said that we had grievances and serious grievances against Germany which led us into the war. Senator LA FOLLETTE said that with all our grievances, and serious though they were, he regarded them as insufficient justification for our entry into the war, considering the awful consequences which this act was certain to involve. Senator LA FOLLETTE in no way sought to place the responsibility for this war upon the President, as Mr. Lincoln and the other eminent statesmen from whom I have quoted, placed responsibility for the Mexican War upon the then President, Mr. Polk. Senator LA FOLLETTE made no attack upon the integrity or honesty of purpose of the President or his administration, as Mr. Lincoln attacked the honesty of purpose of Mr. Polk and his administration in the Mexican War. There is not a word in the St. Paul speech which questions the motive of any public official who had any responsibility for the war program or war policy of the administration. Yet, I assert, after a careful reading of the history of all the wars in which this country has been engaged, that no man had ever been attacked and assailed by a war party and a war-mad press as Senator LA FOLLETTE had been attacked even prior to the St. Paul speech. In the St. Paul speech, as always, Senator LA FOLLETTE's condemnation was of measures not men, of policies that he believed to be wrong, not the individuals immediately responsible for those policies for he knows how unjust it is to hold an individual responsible for a bad policy who is often himself merely a victim rather than the authority of such a policy.

Senator LA FOLLETTE came to St. Paul and made the speech of September 20 directly from his work in the Senate, where for weeks, and I believe months, he had been laboring night and day to increase the amount which excess profits and surplus incomes would contribute to the expenses of this war. He spoke to the people with directness and great earnestness concerning what he believed to be the wrong policy of the majority of Congress upon this subject, but he said only what he had a right to say, only what, believing as he did, it would have been cowardly and unpatriotic not to say. I ask that the members of this committee will put beside anything that Senator LA FOLLETTE said in the St. Paul speech the statements during the time of war made by Mr. Lincoln, Mr. Webster, Mr. Clay, and others in condemnation of the war policies they were discussing, and then determine whether anything Senator LA FOLLETTE said is fairly open to adverse criticism.

Whether Senator LA FOLLETTE was right or wrong in opposing the declaration of war, whether he was right or wrong in opposing the passage of the draft law, whether he was right or wrong in the causes which he believes led us into the war, whether he is right or wrong in his views concerning the financing of this war, is immaterial. He had a right to his views, and he had a right to express them, precisely as any Senator or any citizen has a right to express his views upon the same questions.

I assume, therefore, that however fundamentally any other Senator may differ from Senator LA FOLLETTE, there is and will be no thought in the minds of any of criticizing, of censuring, Senator LA FOLLETTE for any expressions in the St. Paul speech. It would be strange indeed if the policy should be adopted in the Senate of the United States that the majority might condemn expressions of opinion by the minority made outside of the Senate and not in the discharge of legislative duty.

No question of censure can arise in this case, however, for under the Constitution no such power exists in the Senate. Under section 5 of Article I, previously quoted, the Senate may do two things:

1. It may by a two-thirds vote expel a Member for any reason or for no reason.

2. It may punish a Member for disorderly behavior.

The "disorderly behavior" for which each House may punish its Members, as provided in the foregoing quoted portion of section 5 of Article I of the Constitution, is some sort of misbehavior committed by the Member in the presence of the House, or, in any case, it must be conduct which directly obstructs the action of the House in the performance of its legislative duties.

In Rawle on the Constitution, second edition, page 47, it is said:

"It has not yet been precisely settled what must be the disorderly behavior to incur punishment, nor what kind of punishment is to be inflicted; but it can not be doubted that misbehavior out of the walls of the House, or within them, when it is not in session, would not fall within the meaning of the Constitution. Expulsion may, however, be founded on criminal conduct committed in any place, and either before or after conviction in a court of law."

In *Kilbourne v. Thompson* (103 U. S., 168, p. 189) it is said:

"As we have already said, the Constitution expressly empowers each House to punish its Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order. So also the penalty which each House is authorized to inflict in order to compel the attendance of absent Members may be imprisonment, and this may be for a violation of some order or some standing rule on that subject."

As said in the same case, page 182, referring to the same provisions of the Constitution:

"These provisions are equally instructive in what they authorize and in what they do not authorize. There is no express power in that instrument conferred on either House of Congress to punish for contempts."

As held in the *Kilbourne* case, supra, the analogy to the power of the English Parliament in this respect which is sometimes drawn is erroneous, because the latter was formerly a judicial body and has the inherent power of a court to punish for contempt. Indeed, the *Kilbourne* case leaves it doubtful whether either the Senate or the House takes any power to punish by implication as necessary to a successful exercise of the legislative function.

This whole subject has been recently considered by the Supreme Court of the United States in *Marshall v. Gordon* (243 U. S., 521). In that case Marshall, United States district attorney for the Southern District of New York, was arrested on a warrant from the House of Representatives, having been declared by the House guilty of contempt of that body on account of a letter written and statements made by said Marshall concerning the conduct of a committee appointed by the House of Representatives to inquire into certain official conduct of the said district attorney. Marshall applied for discharge on habeas corpus, and the correctness of the judgment of the district court refusing such discharge was the question presented on the appeal to the Supreme Court of the United States. The Supreme Court held that the House of Representatives had no power under the Constitution to declare the conduct of the district attorney in writing the letter in question contempt of its authority and to inflict punishment upon the writer for such contempt. The point of the decision is that the only power the House has to punish for contempt is that necessary to self-preservation to enable it to perform its functions as a legislative body. In so far as the power to punish for contempt is necessary to enable the House to carry on the work of legislation it has such power, but it has absolutely nothing beyond that. As stated in the opinion, page 542, such power "rests only upon the right of self-preservation; that is, the right to prevent acts which in and of themselves inherently obstruct or prevent the discharge of legislative duty."

All of this is said concerning the power of the House to punish one not a Member of that body, but it applies with even greater force to a Member for reason that in the latter case the Constitution plainly specifies the misconduct for which a Member may be punished, and, as said in the *Kilbourne* case, this provision of the Constitution is not more instructive in what it authorizes than in what it does not authorize.

In the *Marshall* case, supra, the court says (p. 536):

"No power was expressly conferred by the Constitution of the United States on the subject (punishment for contempt) except that given to the House to deal with contempt committed by its own Members. (Art. I, sec. 5.) As the rule concerning the Constitution of the United States is that powers not delegated were reserved to the people or to the States, it follows that no other express authority to deal with contempt can be conceived of."

The Constitution having specified "disorderly behavior" as the sole ground upon which each House may punish its Members, besides of course its power to punish for violation of its rules, it follows that every other ground or cause of punishment is excluded. Expressio unius est exclusio alterius. But even if it were admitted that in the case of Members the House took by implication some power to punish, it is obvious that such power can not go beyond preventing the obstruction of the performance of the legislative duty of that body. However irritated, indignant, or offended any Senator may be by the speech in question, the Constitution has wisely withheld from the Senate any power to punish a Member merely because in a public address outside the Senate he may make remarks which Senators believe will have an ill effect upon the public mind, or which for any cause arouses their indignation or resentment.

In concluding this argument, already much too long, I only desire to say that I have discussed this case as though the charges considered were made against the humblest private citizen in the land, I

have claimed nothing for Senator LA FOLLETTE by reason of his long record of devoted service to the public interest, as attested by his official acts not only as a Member of the United States Senate for many years but as a Member of the House of Representatives for six years and as three times governor of his State. I have not questioned the purpose or motive of those making the charges here under consideration. I confess that it has not been altogether easy to pursue this course. When one recalls the work of Senator LA FOLLETTE in private as well as public life in behalf of democratic government and just laws, unmarred by any selfish purpose or desire for personal gain, it is hard to consider dispassionately the charge of disloyalty—the most serious that can be made against any man—lodged against him by the Minnesota Commission of Public Safety. It is true that all the newspapers of the country served by the Associated Press the day after the speech entirely misquoted Senator LA FOLLETTE, as proved by the record, and made him say the very opposite of what he really said concerning our grievances against Germany which led to the war. It is true this falsehood has been repeated and multiplied during all the months that have since elapsed and has been cunningly used to procure votes of condemnation from various individuals and bodies throughout the country. Through all this Senator LA FOLLETTE has remained silent. He has felt that this proceeding before this honorable committee was at least quasi judicial in character and that a decision should be arrived at uninfluenced by anything except the facts and the law as presented to this committee. Even if Senator LA FOLLETTE had said the things he is charged with saying, he would have been entirely within his rights, as I believe has hereinbefore demonstrated; but when what he actually said is considered it is seen how wholly unsupported is the charge of "disloyalty." It is only by distorting the impromptu retorts of Senator LA FOLLETTE to the interruptions from the audience into a complete discussion of the intricate causes of the war that anything can be found in the speech to which the most zealous partisans of the administration can object. But under any construction possible to put upon it, it does not even approach to an improper discussion of the war.

There never was a more baseless attack made upon the character and reputation of a public man than that made upon Senator LA FOLLETTE by the filing of the charges in question.

I respectfully submit that this honorable committee should promptly report said charges to be wholly unfounded.

GILBERT E. ROE.

Attorney for Senator Robert M. La Follette.

"Even if the British sea power, which to-day dictates the conditions under which the seas are to be used, could be broken, hardly anything would be gained thereby. For, if the British fleet would have to cede its position to some other power, the latter would undoubtedly pursue, not a policy of sentiment, but one of materialism—to do what best serves its own interests."

The above appeared in the New York Globe of Friday, April 12, 1918. The Arbeiter Zeitung, of Vienna, is quoted in the Washington Times of April 29, 1918, in criticism of Germany's policy of annexations in Russia. It said: "We are not going to allow Austrian blood to be shed, either now or later on, to retain German conquests."

SPEECH OF ROBERT M. LA FOLLETTE, DELIVERED AT THE MUNICIPAL AUDITORIUM, ST. PAUL, MINN., SEPTEMBER 20, 1917, AS SUBMITTED BY SENATOR LA FOLLETTE TO THE SUBCOMMITTEE.

Mr. President, ladies, and gentlemen, it is needless for me to say anything about the importance of this conference conducted under the auspices of the Nonpartisan League.

It speaks for itself.

It is a nonpartisan league.

Why a nonpartisan league? Why has such an organization been formed in this and other States of the Union?

Because, Mr. President, ladies, and gentlemen, political parties have failed to give the people of this country real representative government. [Cheers and applause.]

What is representative government?

Every man or woman in this audience who stood up here to-night when you sang that glorious anthem, "My Country, 'Tis of Thee," answers that question. What was it for which men died in 1776?

It was that the Government established by their valor and their devotion and their sacrifice, sealed with their blood, should be a real representative government.

What is a representative government?

A government that represents all of the people. [Cheers and applause.]

And when some of you who stood up in this audience while that glorious sentiment, set to heart-inspiring music, was being given forth, because some of you who stood up at that time have forgotten the sacrifices made in 1776, made again in the sixties, in order that that kind of a government should be preserved. Because some of you are testifying a devotion to liberty which you do not feel. [Applause.]

Who is it, abroad over this country now, waving the flags and crying out for democracy in the loudest possible tones? [Cries from the audience: "The profiteers!" "Big business!"]

It is business that is making money out of existing conditions. That is what it is. [Cheers and applause.]

You new converts to democracy are masquerading in the livery of heaven while you serve the devil! [Cheers and applause.]

Think for a moment for what Washington's army starved and froze at Valley Forge, warming their stiffening fingers at the meager camp fires. It was that we should have builded up here in this country of ours the one government on this earth that should be truly representative of the people. [Cheers and applause.]

What did that mean? It meant the election of two United States Senators from every State of the Union, and a Member of Congress from every unit of representation agreed upon, who are to assemble at the seat of government, under the Constitution, on the first Monday of December of each year, and there represent, never themselves, never the United States Steel Co., never the munition makers, but always representing the people.

They should vote for laws that were for the good of the Republic. That is what it meant. [Cheers and applause.]

Fellow citizens, when it becomes necessary for an organization, or when any considerable number of people come together in State after State of the Union, and seek to form a nonpartisan league, in order that they may get true representative government, it means that some power has come between the people and their Representatives, and that they are not getting representative government under partisan domination. [Cheers and applause.]

I am reminded as I face this magnificent audience here to-night: I am carried back in memory to the early seventies. Do you realize, fellow citizens, that here at the head of the Mississippi Valley, here in what was called the old Northwest, in the early seventies, was formed the great granger movement to grapple with corporate power and restore representative government to the people of that day? [Applause.]

Have you forgotten, or is it possible that the younger generation have never been informed, that here at the head of that valley, formed by the great father of all the waters, was cradled the first independent institution which went out to fight corporate power in the United States?

Minnesota, Wisconsin, Michigan, and Iowa were the four Commonwealths that for the first time in the history of the government of men declared the right of the people to have administered by them the control of the highways that lead to market.

Are you aware of the fact that you are the inheritors of a precious legacy here in Minnesota? A legacy that has not always been protected; but here in Minnesota, and in the State of my nativity lying to the south, and Iowa and in Michigan, was born the first great independent farmer movement for the control of railroad transportation—for the subjugation of great corporations to public interests, instead of permitting those corporations to control ruthlessly in their own interest all of the highways leading to the markets of the country.

Gentlemen, you are the descendants of the men who made that wonderful historic contest. For let me say to you that out of that movement that started in these four States, that proclaimed for the first time in the history of the world the right of the public to fix the charges upon the iron highways of commerce, that out of that wonderful movement started in the homes of the farmers of Minnesota, Iowa, Wisconsin, and Illinois—I said Michigan a moment ago; I should have said Illinois—in those four States, in the homes of those farmers, started that movement for the first time in the history of the world asserting the right of the public to control railway transportation and railway rates over the railroads leading to the markets of the country.

From that propitious hour there spread to the East and to the West that movement the germ of which was the right of the public to control these transportation companies until it became the settled law of the land.

When it was first asserted by the people of Minnesota, Iowa, Wisconsin, and Illinois the owners of the railroads denounced it as an interference with private property and private rights. But the old Granger movement, pursuing that great idea that when these corporations are permitted to take private property on which to build their depots and their rights of way that they at once become the servants of the people and their property is subject to public control. [Applause.]

It can not be too strongly emphasized—and I speak of it in connection with this nonpartisan farmers' movement—it can not be too strongly emphasized that that wonderful assertion of a public right was the result of the logical thinking of the farmer as he followed his plow. He reasoned that if the corporation has a right to take his property without his consent, and at a price fixed by the public, on which to build its depot grounds and its right of way it must be in the same position that the county or the State or the township is in when it takes his property to build a highway, to locate a school building, or to build a public institution. That it was taking his property without his consent and at a price fixed by the public—by statute. That it was taking that property under a public right, and that the highway, the iron highway, the depot, the right of way so taken could not be considered as private property.

That was a wonderful piece of reasoning upon the part of the men who followed the plow. And let me say to you that the advanced political thought and the political philosophy, social philosophy, of this country of ours finds the germ and the development and the fruition upon the farms of the country. [Cheers and applause.]

And it is for that reason that agriculture is the basis of statehood. It is the basis, the stable basis, of a government of the people, by the people, and for the people. So I have faith that this new movement up here, known as the nonpartisan organization, born on the farms of this great old Northwest Territory, contains within it the seeds of a great social and political advancement. [Cheers and applause.]

And, Mr. President and fellow citizens, ladies and gentlemen, I know you will pardon me for harking back to the old Granger movement. I am constrained to believe that this new movement is but another crop of the seeding of that time. Now, fellow citizens, there would not be the slightest occasion in the world for the Nonpartisan League and you would not be able to enlist the farmers of a dozen, 15, or 20 different States in this Union unless there was something fundamentally wrong with our Government.

There is something fundamentally wrong with it. [Cheers and applause.]

Of course—of course, I know that the fellows who are waving the flags of to-day most frantically [laughter], the bloated representatives of wealth, who are shouting loudest for democracy to-day, are trying to invest this particular time with a new form of democracy. [Laughter, cheers, and applause.]

A democracy that has attached to it as a cardinal principle, not liberty, not equality, but profits. [Laughter, applause, and cheers.]

And, my friends, you can not enlist the thinking, intellectual, conservative population found upon the farms of this section of the country, which was known when I was a boy as the old Northwest Territory, you can not stir that population very deeply and very profoundly unless there is a profound reason for it. [Applause.]

And that profound reason, if you will be a bit critical and a bit analytical, you will find is due to the fact that the very men who are shouting at the top of their voices about democracy to-day are the men who have been pillaging the hard-working sons of toil, not only upon the farms but in the factories of the country. [Cheers and applause.]

Oh, fellow citizens, I welcome the advent of this organization, for I know full well that it has already secured a momentum that will carry it forward. [Cheers and applause.]

No orders from some secret-service employees, or from some Department of Justice, will be able to throttle this great movement that stands for real representative government. [Cheers and applause.]

Mr. President, ladies, and gentlemen, when I speak in this tone of voice do you hear me back there? [Laughter.]

Are you able to hear me when I talk in this tone of voice, back there in that alcove? [A voice from the audience: "Yes!"]

Well, all right. [Laughter.] I'll use just a little less voice, then. Because I want to be heard, and at the same time I want to save my voice. [Laughter.] I have got use for it! [Laughter and applause.] And I propose to use it. [A voice: "Good!"]

Our Constitution will never fall us for free speech. [A voice from the audience: "We don't take the Tribune, Bob!"] [Another voice: "Nor the Journal, either!"] [A voice: "We don't subscribe!"]

No; I don't take the political dope of any paper that serves interests hostile to representative government. [Applause and cheers.]

Now, fellow citizens, I came before you here to-night to talk to you particularly about this great movement that you have started up here, and to give you a word of encouragement. To bid you to be brave! Not to be intimidated because there may chance to be sneaking about here and there men who will pull back their coats and show a secret-service badge. [Laughter and applause.]

Until Bunker Hill is destroyed; until Little Round Top, and the Hornet's Nest at Gettysburg shall have been obliterated and relegated to oblivion there shall still be free speech in this country. [Great cheering.]

Mr. President, I have stood all my life for law and order. [Cheers and applause.]

Twenty years ago this very season, at a little farmers' gathering in Ferndale, Wis., I opened the fight against corporate power in that State. [Cheers and applause.]

Mr. POMERENE. I send to the desk the minority report and ask that it may be read for the information of the Senate.

The PRESIDING OFFICER. It will be read.

The Secretary read the views of the minority submitted by Mr. POMERENE, from the Committee on Privileges and Elections, as follows:

I regret not being able to concur in the report of the majority of the Committee on Privileges and Elections recommending the dismissal of the proceedings pending against the Senator from Wisconsin.

The form which this report shall assume is prompted in part by the course of the arguments leading the majority of the committee to its conclusions.

Under the Constitution the Senate is the judge of the qualifications of its members. The only constitutional qualifications of a Senator are that he shall "have attained to the age of thirty years, and been nine years a citizen of the United States, and, when elected, an inhabitant of the State for which he shall have been chosen." Within these limitations the Senate is the sole judge of the qualifications of its members.

The Senate is authorized to "determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

By reason of the authority thus conferred upon the Senate, under the constitutional provisions quoted, I am clearly of the opinion:

First. That, except as stated, there are no limitations upon the power of the Senate to determine the qualifications of its members except those imposed by a sound judicial discretion.

Second. That the Senate may adopt such rules of proceeding as to it may seem proper.

Third. That it may punish its members for "disorderly behavior," and that this power to so punish is only limited by the sound discretion of the Senate, no matter whether disorderly behavior be a statutable offense or not, committed during the session of the Senate, or in recess, in its presence, or beyond it.

It extends, in my judgment, to every kind of disorderly behavior, wherever and whenever committed during his incumbency in office. No Senator can throw aside the habiliments of his office during his term, neither when the Senate is in session, nor when he leaves the Chamber, nor when he is outside of the Capitol. During his term, wherever he is, or whatever he may be doing, he is still a Senator of the United States, under the restraints of his senatorial obligations, which he can not and ought not to be permitted to escape, no matter what his purpose or what the effect may be upon him personally.

Fourth. That, within its discretion, the Senate may try a member and exonerate him, or expel him (with the concurrence of two-thirds), or administer between these two extremes any other punishment which to it may seem fit and proper under all the evidence.

These conclusions are based upon the following considerations:

DISORDERLY BEHAVIOR.

What is meant by "disorderly behavior"? The history of this provision of the Constitution will give some light. When the committee on detail in the Constitutional Convention reported this section, Mr. Madison observed that "the right of expulsion was too important to be exercised by a bare majority of a quorum, and in emergency or factions might be dangerous." He moved to insert the words "with the concurrence of two-thirds." "With this phrase eliminated it must be seen that the words 'for disorderly behavior' qualify both verbs—the word 'punish' and the word 'expel.' With these words inserted, it means that the House may punish its Members and expel them for 'disorderly behavior.'" (Watson on the Constitution, vol. I, p. 290.)

It can not be that the phrase "disorderly behavior" can be limited in its usual acceptation to mean "disorderly conduct," as was contended in the committee. If this were true, then it must follow that the framers of the Constitution specifically provided for the punishment and expulsion of Members for "disorderly behavior," using the phrase in a sense so restricted as to include only the higher class of crimes, and leaving without penalty entirely that class of offenses commonly denominated as misdemeanors; or it was made so broad in its scope as to permit of expulsion no matter how frivolous or insignificant the dereliction may have been, and this is not probable. If it had been thus intended to apply this phrase to the higher class of crimes only, some more appropriate term would have been chosen.

It can not be that "disorderly behavior" is synonymous with "disorderly conduct," as these words are commonly understood, because it would be a misnomer to speak of treason, or any of the higher class of crimes, as merely "disorderly conduct."

It can not be that the phrase "disorderly behavior" was intended to include only statutable offenses, because such a restricted construction would leave the Senate powerless to purge itself of the presence of Members who might be guilty of the grossest kind of immorality or impropriety, and which might be even more offensive in the minds of Senators than the purely statutable offenses. In discussing the power to expel in the case of Mr. REED SMOOR, the able Senator from Pennsylvania, Mr. KNOX, said:

"The Constitution enables the Senate to protect itself against improper characters by expelling them by a two-thirds vote if they are guilty of crimes, offensive immorality, disloyalty, or gross impropriety during their terms of service." (CONGRESSIONAL RECORD, vol. 41, p. 2935.)

And I assert that this is true, whether the offenses named are statutory or not.

It can not be that the Senate's power to punish shall be limited to acts or words uttered in the Chamber during a session of the Senate, because, if thus restricted, then a Senator could be guilty of any impropriety, or any immorality, no matter how greatly it might shock the moral sense of the public or how embarrassing it might become to the Senate, and it would be powerless to protect itself. In other words, it is my belief that this language was intended to be all comprehensive and to include disorderly behavior and to give to the Senate the right to punish its Members for any disorderly behavior or for any crime, high or low, wherever committed, during their incumbency in office, and that power is only limited by the sound discretion of the Senate.

Mr. Justice STORY, in his work on the Constitution, fifth edition, section 837, says:

"No person can doubt the propriety of the provision authorizing each House to determine the rules of its own proceedings. If the power did not exist, it would be utterly impracticable to transact the business of the Nation, either at all or at least with decency, deliberation, and order. The humblest assembly of men is understood to possess this power, and it would be absurd to deprive the councils of the Nation of a like authority. But the power to make rules would be nugatory, unless it be coupled with a power to punish for disorderly behavior or disobedience to those rules. And as a Member might be so lost to all sense of dignity and duty as to disgrace the House by the grossness of his conduct, or interrupt its deliberations by perpetual violence or clamor, the power to expel for very aggravated misconduct was also indispensable, not as a common but as an ultimate redress for the grievance. But such a power, so summary, and at the same time so subversive of the rights of the people, it was foreseen, might be exerted for mere purposes of faction or party, to remove a patriot, or to aid a corrupt measure; and it has therefore been wisely guarded by the restriction that there shall be a concurrence of two-thirds of the Members to justify an expulsion. This clause requiring a concurrence of two-thirds was not in the original draft of the Constitution, but it was inserted by a vote of 10 States, one being divided. A like general authority to expel exists in the British House of Commons and in the legislative bodies of many of the States composing the Union."

"Disorderly behavior" is the antithesis of good behavior. A Federal judge holds his office during good behavior. The meaning of these words will aid in the construction of the former.

Tucker, in his Constitutional Law, page 418, says:

"These words (good behavior) do not mean that a judge shall decide rightly, but that he shall decide conscientiously. He is not amenable to impeachment for a wrong decision, else when an inferior judge is reversed he would be impeachable; or, in the Supreme Court, a dissenting judge might be held impeachable because a large majority of the court affirmed the law to be otherwise. But if he decides unconscientiously—if he decides contrary to his honest conviction from corrupt partiality—this can not be good behavior, and he is impeachable. Again, if the judge is drunken on the bench, this is ill behavior, for which he is impeachable. And all of these are generally criminal or misdemeanor, for misdemeanor is a synonym for misbehavior. So, if he omits a judicial duty, as well as when he commits a violation of duty, he is guilty of crime or misdemeanor, for, says Blackstone, 'Crime or misdemeanor is an act committed or omitted in violation of a public law either forbidding or commanding it.'"

"To confine the impeachable offenses to those which are made crimes or misdemeanors by statute, or other specific law, would too much restrict the jurisdiction to meet the obvious purpose of the Constitution, which was, by impeachment, to deprive of office those who, by any act of omission or commission, showed clear and flagrant disqualification to hold it. On the other hand, to hold that all departures from, or failures in, duty, which were not willful but due to mistake, inadvertence, or misjudgment, and to let in all offenses at common law, which, by the decisions of the Supreme Court, are not within Federal authority at all, would be to extend the jurisdiction by impeachment far beyond what was obviously the purpose and design of its creation. It must be criminal misbehavior—a purposed defiance of official duty—to disqualify a man from holding office, or disable him from ever after holding office, which constitutes the penalty upon conviction under the impeachment process. The punishment, upon conviction, indicates the character of the crime or misdemeanor for which impeachment is constitutional. If the crime or misdemeanor for which the impeachment is made be not such as to justify the punishment inflicted, we may well conclude it was within the purpose of the Constitution in using the impeachment procedure."

"The same reasoning will apply to other offices of the United States as has thus been applied to the judicial office."

"The power of removal in other offices than the judicial is with the Executive and if exercised by removal the evil of his incumbency is at an end. But if the Executive should refuse to remove an officer who commits a violation of duty, or wholly omits to discharge it; if the appointing power screens from removal one flagrantly delinquent in duty, the impeachment power is the reserve instrumentality by which the Constitution will remove the official delinquent in spite of the action of the Executive in retaining him in the office which he disgraces. His flagrant misbehavior may work, through impeachment, his exclusion from office whom a wicked Executive would perpetuate in the official station he is disqualified to fill."

We are not, however, without guidance on this question in the election cases tried in the Senate.

In July, 1797, William Blount was expelled from the Senate for "a high misdemeanor entirely inconsistent with his public trust and duty as a Senator."

Mr. Blount had written a letter to an American agent among the Indians, attempting to seduce him as a faithful interpreter, and to employ him as an engine to alienate the affections and confidence of the Indians from the public officers of the United States residing among them. "It was not a statutable offense, nor was it committed in his official character, nor was it committed during the session of Congress, nor at the seat of government." By a vote of yeas 25, nays 1, he was expelled from the Senate. Mr. Justice STORY says (sec. 838):

"It seems, therefore, to be settled by the Senate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a Senator."

Mr. Tucker, in his work on the Constitution, concurs in this view. John Smith, a Senator, was tried by the Senate in April, 1808. He was charged with participation in a conspiracy with Aaron Burr. The motion to expel him lacked one vote of the constitutional majority of two-thirds. The vote was: Yeas, 19; nays, 10.

Mr. Justice Story, in discussing this case, says: "The precise ground of the failure of the motion does not appear; but it may be gathered from the arguments of his counsel that it did not turn upon any doubt that the power of the Senate extended to cases of misdemeanor not done in the presence or view of the body."

ESPIONAGE ACT OF JUNE 15, 1917.

Now, in light of what I conceive to be the unlimited power of the Senate to determine the rules of its proceedings, to punish its Members for disorderly behavior, and, with the concurrence of two-thirds, to expel a Member, let us examine the situation as it must present itself to the mind while considering the charges which have been filed with the Senate against Senator LA FOLLETTE.

On April 6, 1917, the Congress of the United States declared a state of war against the German Imperial Government, the greatest military power of modern times.

On May 18, 1917, Congress passed a draft law providing for the creation of an army to carry on the war, and by its terms required all male persons between the ages of 21 and 31, inclusive, to enroll or register for military service, excluding, of course, aliens who had not declared their intention to become citizens, and made them subject to call by the President from time to time into the military and naval forces of the United States; and by the law of the land these men constituted a part of the military and naval forces of the country.

On June 5, 1917, the registration of all men within the military age began throughout the entire country.

On June 15, 1917, the Congress passed the so-called espionage act making it a penal offense, punishable by fine or imprisonment, or both, for anyone when the United States is at war—

First. "To willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies;" or

Second. "To willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States;" or

Third. "To willfully obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States."

MILITARY CONDITIONS IN THE COUNTRY.

On September 5, 1917, the first call was issued for 687,000 men, and other calls were made thereafter at short intervals. The young men thus called, and to be called, to the colors, came from all sections of the country. With rare exceptions they responded with alacrity for the defense of their country and for the protection of humanity.

On September 20, 1917, Senator LA FOLLETTE made the speech which is the subject of controversy before the Nonpartisan League in St. Paul, Minn.

At this time it was within common knowledge of the people generally that the I. W. W.'s, the extreme Socialists, the well-intentioned but misguided pacifists, and certain German propagandists were sowing the seeds of dissension and insubordination, and spreading their poison throughout the country for the purpose of discrediting the Government in its prosecution of the war. Some of them were taking this course because they were opposed to all war; others because they were opposed to this war; and still others because they were using their utmost endeavors to aid the enemy and to render impotent, so far as they could, our own forces. State and local authorities and the loyal citizens of the land, with the approval of the Government, were organizing associations for the purpose of checking acts of disloyalty and sedition in their respective communities, and among these organizations was the Minnesota Public Safety Commission, which filed the complaint now under consideration.

On May 7, 1915, the *Lusitania* was sunk by a German submarine with a loss of more than 1,100 lives, 114 of whom were American citizens, without warning, and without providing for the safety of the passengers and crew—an act of piracy, so recognized by everyone save Germany and those who sympathized with her.

But this was not all. Before Congress passed the joint resolution declaring a state of war, the German submarines had sunk in the same way and by the same means 20 American vessels with a total loss of human life aggregating nearly 300 American lives. After repeated negotiations covering almost a year, on the 4th day of May, 1916, the German Imperial Government sent its note to the United States advising this Government that Germany had given instructions to her submarine commanders not to sink vessels without giving warning and without caring for the safety of passengers and crew in conformity with the rules of international law, unless they sought to escape; but intimated that upon certain contingencies this mode of warfare might be resumed. With this announcement the country believed the crisis had passed and all minor controversies could be adjusted, and except for Germany's subsequent aggressions there would have been no war.

But on January 31, 1917, the United States was advised that after February 1, 1917, Germany would resume without restrictions her submarine warfare on belligerent and neutral ships alike that would pass through a war zone estimated to be 1,400 miles long and 400 miles wide, through which nine-tenths of its commerce, aggregating at that time more than \$6,000,000,000 annually, would have to pass; that only one ship could go each week, on Thursday, into Great Britain from the United States, and one ship return on Sunday, each week, from Great Britain. Only one day's notice was given to us, notwithstanding the fact that the German Imperial Government had determined as early as January 19 to resume this warfare, as is evidenced by the message which was sent to Bernstorff to be transmitted to the German ambassador in Mexico urging him to incite Mexico and Japan to begin war against us.

These were among the causes that led to the war, and these facts must have been known to the Senator from Wisconsin, and yet in his speech at St. Paul he said:

"Now, fellow citizens, we are in the midst of a war. For my own part I was not in favor of beginning the war. [Cheers and applause.]

"I do not mean to say that we had not suffered grievances; we had—[A voice: "Yes!"] at the hands of Germany. Serious grievances! [A voice: "You bet!"]

"We had cause for complaint. They had interfered with the right of American citizens to travel upon the high seas—on ships loaded with munitions for Great Britain. [Laughter, cheers, and applause.]

"Let me have the time; I have got to catch a train—unless I am stopped by somebody [laughter], and I have never been stopped yet! [Laughter and applause.]

"Cut it out. Let me have the time. I would not be understood as saying that we did not have grievances. We did. And upon those grievances, which I regarded as insufficient, considering the amount involved and the rights involved, which was the right to ship munitions to Great Britain with American passengers on board to secure a safe transit. [Laughter and applause.]

"We had a right, a technical right, to ship the munitions, and the American citizens have a technical right to ride on those vessels. I was not in favor of the riding on them [laughter], because it seemed to me that the consequences resulting from any destruction of life that might occur, would be so awful—[A voice: "Yellow!"]

"What did you say? [A voice: "Yellow!"]

"Any man who says that in an audience where he can conceal his identity is yellow himself. [Many cries: "Put him out!" "Put him out!"]

"Sit down everybody. I do not want any of that in an audience where I am speaking. [Cries of "Order!" "Order!"]

"All I want is order. I will take care of everybody that interrupts if you will just give me the chance. [Cheers and applause.]

"I say this, that the comparatively small privilege of the right of an American citizen to ride on a munition-loaded ship flying a foreign flag is too small to involve this Government in the loss of millions and millions of lives! [Cheers and applause.]

"Now—[A voice interrupting: "Where is the yellow guy now?"] [Another voice: "Give it to him, LA FOLLETTE!"] [Order!]

"Now, fellow citizens, I didn't believe that we should have gone into this war for that poor privilege. [A voice: "Nobody else!"]

"The right of an American citizen to travel upon a foreign vessel loaded with munitions of war. Because—[Another interruption.]

"Wait just a minute. Let me state my position. Because a foreign vessel loaded with munitions of war is technically foreign territory [cheers and applause], and an American citizen takes his life in his own hands, just as much as he would if he were on the territory of France and camped in the neighborhood of an arsenal! [Cheers and applause.]

"Mr. President, it has sometimes occurred to me that the shippers of munitions of war, who were making enormous profits out of the business, invited and encouraged American citizens to ride on those ships, in order to give a sort of semblance of safety to the passage of their profiteering cargo abroad. [Cheers and applause.]

"But, Mr. President, we went into the war by the adoption by Congress of a declaration of war in constitutional form. [Applause.] I was not in favor of going into the war illegally.

"I resisted the right to arm merchantmen, when I knew that that would result in producing a condition that would bring about war without a declaration by Congress; and the Constitution says that Congress, not the acts of the President, shall bring on a war with a foreign government. [Cheers and applause.]

"But war was declared, and lawfully declared.

"It was not brought about by an unlawful and piratical arming of merchant ships. I had a little bit to do with stopping that on the 4th of March, and I put it to my everlasting credit that I was able to do it. [Cheers and applause.] We are in the war. And, at least, we are lawfully in the war.

"Now, then, the war entails expenses. [Laughter.]

"You can not run a war in these days without paying for it. [Laughter.]

"It is a costly enterprise. Every one of the nations, the belligerent nations of Europe, are reeling under the financial burdens that war—this war of all wars in the history of the world—has laid upon them.

Every one of the foreign nations up to last April, when we entered the war, had passed the line of safety, so far as ever being able to redeem their financial obligations were concerned. Every one except Great Britain. Whenever any government is paying out for its obligations more than—for its current obligations—more than 25 per cent of its income, that nation has passed the line where it is safe to loan to it. [Applause.]

"Every belligerent nation in Europe last April, except Great Britain, had passed that line. Never—this is a tritism to say—never before in the history of the human race was a war in progress that, so day by day, hour by hour, moment by moment, sapped the very lifeblood, the financial lifeblood, of the existence of the nation as a stable entity.

"And, fellow citizens, it behooves a nation to consider well before it enters upon a war of that sort, how much it has got at stake. If all it has got at stake is the loans of the house of Morgan made to foreign governments, and the profits that the munition makers will earn in shipping their products to foreign countries, then I think it ought to be weighed not in a common hay scale but in an apothecary's scale. [Laughter and applause.]

"Ah, but somebody will tell you American rights are involved.

"What American rights? The right of some person to ride upon a munition-laden vessel in violation of an American statute, that no vessel that carries explosives shall carry passengers. [Cheers and applause.]

"Four days before the *Lusitania* sailed President Wilson was warned in person by Secretary of State Bryan, that the *Lusitania* had 6,000,000 rounds of ammunition on board, besides explosives; and that the passengers who proposed to sail on that vessel were sailing in violation of a statute of this country; that no passenger shall sail or travel upon a railroad train or upon a vessel which carries dangerous explosives. [Cheers and applause.]

"And Secretary Bryan appealed to President Wilson to stop passengers from sailing on the *Lusitania*.

"I am giving you some history that probably has not been given you here before. [Cheers.]

"So, I say that the grievances that carried this country into war, into a war the limits of which, as to the loss of life, and the burdens—financial burdens—that shall be laid upon us, can not be calculated by any man—I say that the conditions that carried us into that war needed to be weighed carefully. For I enunciate no new doctrine. I say what Daniel Webster said when the Mexican war was on at full tilt—that it is the right of the people of this country to determine for themselves whether there has been a sufficient grievance for the people to incur all of the burdens and risks that go with the entrance into war."

DISCUSSION OF SPEECH.

For the purposes of this report I shall pass over that part of Senator LA FOLLETTE'S address which describes his personal services in the West, or give his views concerning the financing of the war, and deal only with that portion which speaks of the causes leading up to the war and of our motives for entering it.

Seven different times in less than two pages of printed matter, with little variation, he tells his audience in substance either that we went to war to establish the right of an American citizen to travel upon the high seas on a foreign-owned munition-laden ship or that he did not believe that we should have gone into the war for that "poor privilege." And each time he uses this language the stenographic reports of the speech show that his sentiments were met by the audience with "laughter, cheers, and applause" or "with cheers and applause," clearly indicating the influence of his statements upon his audience. Either they believed his statement that the United States had gone to war for this "poor privilege" and applauded it because they did not think it sufficient cause for war, or they knew it was not true and approved this slander upon the Government. Whatever may have been the reason for these demonstrations, the effect of the speech was wholly vicious.

Again he says:

"Mr. President, it has sometimes occurred to me that the shippers of munitions of war, who are making enormous profits out of the business, should not have encouraged American citizens to ride on those ships in order to give a sort of semblance of safety to the passage of their profiteering cargoes abroad."

And again the sentiment is met with "applause." What inference can be drawn except that it was the intention of the speaker to make it appear to his audience that the manufacturers of munitions were in fact encouraging American citizens to ride on those ships in order to give a semblance of safety to their business? What proof can be adduced for such an assertion? Everyone knows that Senator LA FOLLETTE was opposed to entering the war, but that was no reason why he should misrepresent the attitude of the President or of 82 Senators and of 373 Congressmen who voted in favor of a declaration of a state of war. Why should he seek thus to discredit the cause of America? Is not the Senate interested in finding out?

Again he says:

"If all it (the Nation) has got at stake is the loans the house of Morgan makes to foreign Governments and the profits that munition makers will earn in shipping their products to foreign countries, then I think it ought to be weighed not in a common hay scales but in an apothecary's scales."

And this sentiment again is met with applause. What was the purpose in making this statement? Of course, the Senator does not say that all we had at stake was the loans of the house of Morgan to foreign Governments and the profits munition makers were earning in shipping their products to foreign countries, but that is the impression he leaves with his audience; and who will pretend to say that any proof exists anywhere that these were the only issues at stake when we entered the war?

Again he says:

"Four days before the *Lusitania* sailed President Wilson was warned in person by Secretary of State Bryan that the *Lusitania* had 6,000,000 rounds of ammunition on board, besides explosives, and that the passengers who proposed to sail on that vessel were sailing in violation of a statute of this country, that no passengers should travel upon a railroad train or sail upon a vessel which carried dangerous explosives."

And the sentiment is applauded.

The facts so far as the committee is now advised concerning them are: Mr. Bryan says that he had no knowledge that there were any munitions aboard this vessel until some days after it had been sunk, and he, therefore, could not have made the statement credited to him. I am informed that if put to the proof Senator LA FOLLETTE would claim that he had been so told by a newspaper reporter in whose statements he had full faith.

The statute alleged to have been violated is section 8005, and it provides that:

"It shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitroglycerine, dynamite, or any other explosive or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel," etc.

There was a large amount of small-arm munitions aboard, but the Commerce Department has held that this statute did not prevent the shipment of small-arm munitions, because they are not held to be dangerous explosives within the meaning of this section. There were empty shells aboard, but they did not contain either charges or fuses.

The committee was not advised that the passengers had any knowledge of the presence of small-arm munitions, and even if they had there was no statute preventing their sailing because of these munitions; and if they had sailed with this knowledge, surely that can not be a reason why Germany, by her submarines, without notice and without warning, should sink the vessel, thereby causing the death of innocent men, women, and children aboard her.

The Senator from Wisconsin has been in public life for many years. He has been a Member of the Senate since 1905.

Presumably he heard the various messages to the Congress delivered by the President discussing Germany's aggressions during the prewar period.

Presumably he was familiar with the notes exchanged between our Government and the German Imperial Government.

Presumably he knew that with the German note of May 4, 1916, promising that merchant vessels would not be sunk without warning and without saving human lives, the *Lusitania* disaster was practically a closed incident.

Presumably he was familiar with the causes which led up to the war, and yet, with all the prestige of a long service in the Senate at the Capital of the Nation, he tells his audience that we went to war "for the poor privilege of establishing the right of an American citizen to travel upon a foreign-owned vessel loaded with munitions of war." He wholly ignores the real causes which led to the war, and which I have in part detailed in the earlier part of this report. He ignores the fact that a compliance with the German Imperial Government's order of January 31, giving notice that after February 1, 1917, all vessels which appeared in the war zone would be sunk, would, if put in effect, deny to 110,000,000 of people a foreign commerce aggregating \$9,000,000,000 annually.

What excuse has the Senator from Wisconsin made for these statements? I have heard none. What must have been the effect upon his audience? The transcript of his speech shows that these particular parts of it were punctuated with applause. Were those who applauded disloyal at heart, or were they ignorant of the real causes of our having gone to war and agreed with him that we did not have cause for entering the war?

Presumably there were in this audience men and women of all classes and shades of opinion, men who constituted a part of the military and naval forces of the United States, as well as those who were older or younger—parents, perhaps, of boys who had gone to the front to serve their country. What effect would such language have upon these people gathered together for the purpose of hearing a message from the Capital of the Nation?

If it were true that we only went to war for the purpose of establishing the right of an American citizen to sail on a munition-laden, foreign-owned vessel, without warning and without caring for the safety of passengers and crew, it would have been justified, but does anyone feel that the war would have received the same united and enthusiastic support given to it by the American people? If young men of military age were in the audience, who were about to be called to arms, would not their ardor have cooled if they believed his speech? If the fathers and mothers of these young men were present, might they not have been persuaded that they ought not to be asked to make so great a sacrifice as the war would entail for "that poor privilege"? Would not it have helped to arouse their indignation? Would not its natural effect have been to cause "insubordination" or acts of "disloyalty" or "failure of duty" if an attempt were made to compel young men to go into the service for such a cause? Would it not have tended to obstruct the recruiting or enlistment service of the United States, to the injury of that service? Men usually intend what they say. In peace-loving America my belief is that the less the cause for war the less will be the enthusiasm for it.

If these statements had been made by one who was not accustomed to public speaking, or by a private individual who did not appear upon the platform in the habiliments of his office, less serious consequences might be expected to follow. But when one of the Senators of a great Commonwealth, exercising the functions of his office, appears upon the platform to discuss in the presence of his fellow citizens such commanding questions as the cause of the war, while we are in the midst of preparations for it, we must not overestimate or underestimate the weight of his words.

These statements could not have been made by accident or slip of the tongue, because the same thought, if not the very same language, is repeated several times within the space of a few minutes.

Counsel for Senator LA FOLLETTE, in his argument before the committee, had much to say on the subject of freedom of speech. I yield to no one in my desire to preserve this right in its entirety; but he has cited the committee to no authority, and Senators will look in vain for any authority which makes freedom of speech a shield by which the speaker may protect himself from the consequences of misstatement. Freedom of speech can not be pleaded in defense to justify the slander of the chastity of a woman or the honor of a man, or the cause of a country when in the throes of the most terrific war ever waged.

That this speech shocked the loyal and patriotic people of Minnesota is evidenced by the fact that the Minnesota Commission of Public Safety, composed of the governor of that great State and eminent citizens associated with him, presented to the Senate a memorial in which it was recited that the Senator from Wisconsin had made an "address of a disloyal and seditious nature at a public meeting before a large audience." * * * And that "the utterances of Senator LA FOLLETTE, with all the prestige of his high office as a Senator of the United States * * * have already served to create treasonable sentiments in the State of Minnesota, and being spread through the public press, can have no other effect than to weaken the support of the Government in carrying on the war."

The evidence is not all before the committee of the Senate. I do not say in the present state of the record that Senator LA FOLLETTE should be expelled from the Senate, or that he should be convicted of a criminal offense under section 3 of the espionage act; but I do say that applying the principles of criminal law which are known to every lawyer, a grand jury inquiring into the case, with no other evidence before it than the speech itself, and the facts as in this report cited, would have been justified in returning an indictment against him for violation of the espionage law. And I further say that with this evidence, and none other, before a petit jury, it would have been justified in returning a verdict of guilty under this section of the statute, and no court would have disturbed it.

If there is any reasonable explanation which can be made of these utterances which would tend to prove an innocent purpose, such explanation ought to be given to the end that no injustice may be done, and that it may not be charged that the United States Senate passes lightly over wrongful speech by Senators while others are criminally prosecuted for offenses, in my judgment, no less severe.

Assume, for the sake of the argument, that United States Senators should have appeared in every important community within our borders and made like speeches. What would have been the effect upon the morale of the country? Could anything have been more gratifying to the heart of the German Kaiser? Would not such speeches have given some "aid and comfort" to the enemy?

Thus far I have discussed the facts, as I understand them, as if the speech were made in violation of the provisions of a criminal statute. Whether this is true or not is of little consequence so far as the duty of the Senate is concerned. The effect of the language upon the Senator's audience was the same, whether the language was within the inhibitions of a Federal statute or not. The effect upon their morale was the same. Men in peace-loving America do not willingly go to war unless there is found to be an urgent necessity for it. The rights and privileges of a private citizen should be and are guarded by the limitations of the written law, but the propriety or the impropriety of a Senator's utterances ought not alone to be determined by its limitations. I submit that a United States Senator ought to be more circumspect in his public speech before his fellow citizens who are in private life; and he ought not to give utterance to statements of fact which mislead people in time of war, whether his utterances infringe the criminal law or not.

I submit that men in high places should not either by word or deed so demean themselves as to lead from the path of duty those less well informed. Who can doubt the statement of the Minnesota Commission of Public Safety that the effect of the speech was to create treasonable sentiment in the State? Men usually intend the natural consequences of their utterances and of their acts.

It is true that the Committee on Privileges and Elections does not have all the testimony before it. It has no word from the Senator from Wisconsin which even tends to modify or explain away the natural effect of his utterances, save that he can substantiate every statement made in the speech, that he believed in their accuracy at the time they were made, and still believes them to be correct.

It is not the purpose of this report to prejudice the case, because the evidence has not as yet been completed. The views herein expressed are, of course, subject to such modification as a fuller hearing might require. All I mean to say is that in the present state of the record I am perfectly clear that there should be a full and complete hearing to the end—

First, That the Senator from Wisconsin can be completely exonerated if the testimony justifies it.

Second, That he may be expelled if the testimony justifies it.

Third, That the Senate may pass a vote of censure or administer such other punishment as the testimony may justify.

This, in my judgment, is a duty which we owe to the Senator from Wisconsin, to the United States Senate itself, and to the public.

More we ought not to do, and less we can not be expected to do.

ATLEE POMERENE.

Mr. DILLINGHAM. Mr. President, the report of the committee presenting the resolution which has been read to the Senate contains a copy of the entire speech that was made by Senator LA FOLLETTE; it has been laid before the Senate, and I presume has been read by everybody. In view of the situation in the Senate, the fact that this matter has been brought up at this time by the courtesy of the chairman of the committee in charge of the pending legislation, I am perfectly willing that the vote of the Senate shall be taken upon the resolution without any further explanation on the part of the committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. POMERENE. On agreeing to the resolution, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, I do not quite understand what the proposition is that is now being presented to the Senate.

The PRESIDING OFFICER. The question is on the adoption of the resolution submitted by the Senator from Vermont, which the Secretary will read.

The Secretary read the resolution (S. Res. 360), as follows:

Resolved, That the resolutions of the Minnesota Commission of Public Safety petitioning the Senate of the United States to institute proceedings looking to the expulsion of ROBERT M. LA FOLLETTE from the Senate, because of a speech delivered by him at St. Paul, Minn., on September 20, 1917, be, and the same hereby are, dismissed for the reason that the speech in question does not justify any action by the Senate.

Mr. WILLIAMS. Mr. President, I have a few words to say about that. If I understand that resolution, it means that the fault committed by the Senator from Wisconsin in his St. Paul speech is to be passed over by the Senate without animadversion or criticism. Am I correct?

Mr. President, as I read the speech made by the Senator from Wisconsin in St. Paul, it was a series of false statements, and not only a series of false statements but a series of false statements which must have been consciously made. I find in that speech a charge that the United States went to war to protect "Morgan interests" of some sort or other. I find in that speech a charge that we went to war and sacrificed our children in order that rich Americans might ride on British munition-armed ships. I do not think I have misunderstood the speech as quoted in the report. I do not think I misread it the day after it was published. It is an everlasting lie that these United States went to war in order to protect any Morgan interests or any capitalistic interests of any sort. It is also an everlasting lie that the people of these United States ever sent their boys to be fed as cannon fodder in Europe in order that American citizens might ride upon munition ships. It is an everlasting lie that the *Lusitania* was armed or had dangerous explosives aboard, and that any law of the United States was ever violated by any American citizen who took passage upon the *Lusitania*. It is an everlasting lie that the 114 American citizens—men, women, and children—who went to their graves unknelled and unsung upon that memorable day of German barbarity went there to uphold the doctrine of capitalism, or of money-making, or of the right to protect a foreign ship under a foreign flag by American citizenship while it was carrying dangerous explosives.

I for one do not want the history of the United States to be written so that my children or grandchildren shall read that I sat quietly still while the United States Senate said that all that made no difference. I have seen ignorant boys arrested and tried and condemned, some few of them to death and some more of them to prison, for doing things and saying things that amounted to much less than this St. Paul speech.

I have no personal animosity to the Senator from Wisconsin, and he knows it. I have been good to him in days that have gone by, and he knows it; but I have no glad hand of welcome to extend to any enemy of my country when my country is in war, and I have no glad hand of welcome to extend to any man that slanders my country, that tells falsehoods about it, and I do not care whether he is a Senator or whether he is a plowboy, except that I can forgive the plowboy because of his ignorance.

Here we were engaged in a great war for the defense of the civilization and the liberty of the world. Every boy that

could go went, or nearly every one—a whole lot of them, at any rate—except the few who were poisoned by this sort of literature. Is it to be said, for all time to come, that a Senator of the United States is to be held absolutely blameless while he announces to the world that my boys and your boys, some of them died, some of them were crippled, and some of them came back happily home, while they fought for the civilization of the world—is it to be held that he is blameless because he is not a plowboy when he says that we went to war "in the Morgan interest," when he says that we went to war in order that men might secure safe passage upon munition ships, in order that we might protect explosives by putting passengers aboard? Is it to be considered for one minute that he is blameless and that we have nothing to do with his utterances when he not only asserts that, but asserts more than that?

He asserts, in effect, that the American Republic has been guilty of hypocrisy and cowardice, and especially of hypocrisy; that it has gone to the Old World with the word in its mouth that it was fighting for the liberty of the world and for the democracy of the world and to make democracy safe in the world, when, as a matter of fact, it was fighting for "the Morgan interest," or it was fighting for a safe place for a ship on the ocean carrying high explosives protected by the presence of American women and children! Then he goes a little bit further in that speech at St. Paul, and he has the audacity to say that Mr. Bernstorff, as ambassador from Germany, gave us notice to keep off the ship. Gave us notice!—gave us! Who in the devil are we? We are the American people, under the providence of God. This little miserable Kaiser, who has since been dethroned to the gratification of the entire world, gave us notice, through his ambassador, that we might be hurt if we went on this ship, and then we were guilty of audacity and folly and insanity because we went on the ship, and 114 American citizens—most of them women and children—did not have cowardice enough to take the German warning and keep off the ship and went down unknelled and unsung and unshriven, and went down as Americans do go down, thank God, not a man of them deserting his post; every man giving place to a woman or child; every member of the crew, although they were British—but they speak English all the same—giving place to a woman or a child; all of them went down.

My children are to believe, and their children's children are to believe, that this Senate is going to pass over this thing in silence; that it was perfectly allowable for a man, provided he was a United States Senator, to say that these men, women, and children had no business there; they had no place there; they ought to have taken the warning of the German ambassador; they ought to have been scared by the German Kaiser; they ought to have been cowards, and not Americans!

Oh, Mr. President, I do not understand that. Maybe it is because I am more or less of a barbarian, something of a southerner in my ways; but I do not understand that. I do not understand why giving me a warning that I will be murdered if I go where I have a right to be ought to keep me from going there. I will go, so help me God! I will go every morning before breakfast and every night before I go to bed, and I believe I would go quicker after you told me that I should not than I would if you had not told me so.

Oh, this speech in St. Paul! I do not know what the Senator thought. I have begun to believe that he does not think; that if he thought anything at all, he thought that the self-seekers, the sloth lovers, the peace worshipers, the men and women who are willing to give up everything in the world in order that they may have a nice, easy time, would finally control America, and that somehow or other he or somebody else advocating that sort of doctrine would come out in front.

There is a peculiar thing about humanity, Mr. President, and that is this: In its ordinary days it loves pleasure. I understand why it loves it. I love it more than anybody. But when the days of crises come, the great days that invoke the human soul, the ordinary man rises above the measure which the Senator from Wisconsin meted out to him. He becomes inspired as by the voice of God running through all the history of the world. He sacrifices himself, his property, his children—and above all, his children—that is the hardest part of it. He is willing to see it all go into the melting pot rather than that anything false should exist. God calls to him from the depths—*de profundis*—and he answers with his whole soul; and, answering with his whole soul, he has no patience—not only not a little patience but no patience at all—for any man who makes this appeal to his ordinary, everyday life. He rises above it all. He becomes the son of God. Nine years out of ten, or ninety-nine out of one hundred, he does not know that he is the son of God; but in those peculiar days he does know it, and he knows that he would not fight for "the Morgan in-

terests," nor for "capitalistic enterprise," and that he would not fight and that he would not die and that he would not sacrifice his children for any of the base purposes mentioned in that speech of the Senator from Wisconsin at St. Paul.

It is given to all of us, Mr. President, just about once in our lifetime, to rise to the heights. That time was given to all of us during this war; and those of us who did not rise to the heights were just common clay, miserably common clay, devil-impulsed common clay; and those who could rise to the heights rose, and the American people as a whole rose. There were traitors, of course. There were profiteers, of course.

Men generally may be likened to animals of some sort or other. One is like a lion, another is like a fox, another is like a wolf, another is like a vulture; and when you come to measure them up at a great time like the breaking out of the Civil War—especially in the South, even more than in the North, but in both sections—and when you come to measuring men at this time, you find out where the man is. There is the watchdog, the English-mastiff man; the Newfoundland, who rushes to the rescue of home, the watchdog of the household. Nine-tenths of the American people resemble him. Then there comes a vulture, who swoops down and tries to get some little bit of carrion out of what is left, somehow, and who tries to feed himself and his little vulture family with it all. Then there is another type for which the animal kingdom does not present any analogy, because no wolf was ever unfaithful to wolves; no fox was ever unfaithful to foxes; no vulture, even, was ever unfaithful to vultures. We come to the disloyal among human beings, for whom there is no analogy in animal life at all.

You, the Senator from Vermont, the author of this resolution—a gentleman from the soles of his feet to the top of his head, every inch of him—you, by this resolution, are attributing to yourself the idea that that sort of thing is to go on unscathed, unblemished, uncriticized, and unpunished.

Mr. DILLINGHAM. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Vermont?

Mr. WILLIAMS. Certainly.

Mr. DILLINGHAM. I want to say that the Committee on Privileges and Elections had the resolutions of the Minnesota society under consideration for 14 months. They had before them the whole speech as reported by that committee, and the whole speech that was furnished to them by the Senator from Wisconsin, as reported by another reporter. They considered the whole speech, rather than the fragment which has been discussed by the Senator from Mississippi here to-day. They examined it in the light of every circumstance that was advanced. They had a compilation of authorities that was prepared, as I understand, in the Department of Justice, which covered the entire question, and the opening passage of which was that the whole speech should be read, because undoubtedly the tenor of the speech tends to throw light upon the intent with which certain statements which are challenged were uttered. Among other things the Senator, after stating that there was something wrong with our Government, said—and then follows what has been quoted from so freely here to-day.

Now, what I want to say to the Senator, in answer to his personal appeal to me, is that after having considered that at repeated meetings for 14 months, examining the whole question from the standpoint of lawyers and from the standpoint of precedent, the vote of that committee in recommending that the resolution of the Minnesota society be dismissed was entirely nonpartisan. It was 9 to 2. There were 11 members of the committee present; and the vote was nonpartisan, too, because the majority of voters consisted of Messrs. REED, VARDAMAN, WOLCOTT, ASHURST, DILLINGHAM, KENYON, SHERMAN, KNOX, and KELLOGG.

Mr. WILLIAMS. Mr. President, every whole must be made up out of its several parts. I imagine that the Senator from Vermont will not accuse me of any inaccuracy in any quotation that I have made from the speech made at St. Paul by the Senator from Wisconsin. I do not care about how a blacksnake smothers a bird over with its slime before it swallows it. I want to know about the slime; I want to know about the poison; I want to know about the swallowing which is coming first. The Senator does not deny, the Senator will not deny, that in the speech made by the Senator from Wisconsin at St. Paul were these assertions to which I have referred; and which are a calumny and a slander upon the American people, and upon my boys who fought in France, and upon Theodore Roosevelt's boys who fought in France, and upon everybody else's boys who fought there. It is an everlasting falsehood to state that we entered this war for the reason stated by the Senator from Wisconsin in his St. Paul speech.

Now, I do not care about the Senator's telling me that it took 14 months to measure up this speech as a whole. It has not taken me more than about 56 minutes to measure up the parts of it as parts, and they are sufficiently objectionable; and they were meant; they were not accidental. They were the deliberate judgment of the man who made the speech, and he has not yet apologized for them, and he will not. He has not the moral courage to do it. There it is. There is the statement—apology for the sinking of the *Lusitania* on the ground that they were forewarned, and that Bryan had made a statement to the effect that the *Lusitania* had explosives on it, and it turns out that that is false. Bryan never said anything of the sort. That is a lie, too. The Senator from Wisconsin either knew Bryan never said anything of the sort or he was speaking without sufficient information, and I take it that he was speaking without sufficient information. There is this difference between a falsehood and a lie: A falsehood is a false statement of fact when you do not know it is false; a lie is a false statement of fact when you do know that it is false. It does not make any difference to me which one of these two theories shall prevail about these particular utterances in that particular speech.

I do not care whether the next balance of power in the Senate between Democrats and Republicans is held by the slender vote of one or not. That is not disturbing me. I say that speech at St. Paul was disloyal in spirit, disloyal in words, disloyal in intent, disloyal in effect, and disloyal with a set purpose. I say here standing on my two feet—there is not much to me, not much physically, intellectually, or morally, the poor weak creature that God made me, and perhaps that God ought to regret having made—I can not understand it in any other way, and I am not going to let my children and grandchildren misunderstand my attitude toward this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution reported from the Committee on Privileges and Elections, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. I understand that if he were present he would vote the same way I would, and therefore I will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], but I am excused from that pair on this occasion and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. He is absent from the Senate, and therefore I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COIT], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from South Dakota [Mr. STERLING], who is absent, and I withhold my vote.

Mr. CURTIS. I was requested to announce the absence of the Senator from South Dakota on account of a death in his family.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. McCUMBER] voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota. As he is absent, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Georgia [Mr. HARDWICK] and vote "yea."

Mr. UNDERWOOD (when his name was called). I desire to ascertain whether the junior Senator from Ohio [Mr. HARDING] has voted.

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio, and in his absence I withhold my vote.

Mr. WARREN (when his name was called). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. WARREN. I have a general pair with the junior Senator from North Carolina. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD], so that the junior Senator from

North Carolina will stand paired with the junior Senator from New Jersey, and I vote "yea."

The roll call was concluded.

Mr. CALDER (after having voted in the affirmative). Has the junior Senator from Rhode Island [Mr. GERRY] voted?

The PRESIDING OFFICER. The Senator is not recorded.

Mr. CALDER. I have a general pair with the junior Senator from Rhode Island. In view of his absence, I withdraw my vote.

Mr. LODGE. The Senator from Georgia [Mr. SMITH], with whom I have a general pair, I do not see in the Chamber. I will ask if he has voted.

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. LODGE. Then I am unable to vote. If I were able to vote I would vote "yea."

Mr. SHERMAN. Has the senior Senator from Kansas [Mr. THOMPSON] voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. SHERMAN. I have a pair with the senior Senator from Kansas, and therefore will be compelled to withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON], who is detained on account of sickness.

Mr. LODGE. I am informed that the Senator from Georgia [Mr. SMITH], if present, would vote as I intend to vote. So I vote "yea."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE], and vote "yea."

Mr. SMITH of Georgia. I vote "yea."

Mr. LEWIS. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS].

The result was announced—yeas 50, nays 21, as follows:

YEAS—50.

Ashurst	Johnson, Cal.	Moses	Spencer
Bankhead	Jones, Wash.	Nelson	Sutherland
Beckham	Kellogg	New	Swanson
Borah	Kenyon	Norris	Thomas
Chamberlain	King	Nugent	Townsend
Cummins	Kirby	Page	Vardaman
Curtis	Knox	Penrose	Wadsworth
Dillingham	Leahoot	Phelan	Warren
Fernald	Lewis	Poincxeter	Watson
France	Lodge	Reed	Weeks
Frelinghuysen	McLean	Shafroth	Wolcott
Gronna	McNary	Smith, Ga.	
Hale	Martin, Va.	Smoot	

NAYS—21.

Culberson	McKellar	Ransdell	Trammell
Fletcher	Martin, Ky.	Saulsbury	Walsh
Gay	Myers	Sheppard	Williams
Henderson	Pittman	Simmons	
Hollis	Pollock	Smith, Ariz.	
Jones, N. Mex.	Pomerene	Smith, Mich.	

NOT VOTING—25.

Baird	Gore	McCumber	Smith, S. C.
Brandegoe	Harding	Overman	Sterling
Calder	Hardwick	Owen	Thompson
Colt	Hitchcock	Robinson	Underwood
Fall	Johnson, S. Dak.	Sherman	
Gerry	Kendrick	Shields	
Goff	La Follette	Smith, Md.	

So the resolution was agreed to.

THE CENSUS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

Mr. FRANCE resumed the speech begun by him yesterday. Before the conclusion of the speech,

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Maryland yield to the Senator from Texas?

Mr. FRANCE. I yield.

Mr. SHEPPARD. I have been very much impressed with the arguments of the Senator from Maryland, and with his presentation of his very comprehensive amendments. I think that there are many meritorious features about them, and I am entirely willing to have them adopted by the Senate and go to conference, in order that they may be thoroughly studied.

Therefore I shall say that the amendments are accepted, and I hope the Senator will now offer them.

The PRESIDING OFFICER. If there is no objection, the amendments will be accepted.

Mr. FRANCE. I desire to offer several amendments to the bill, and as the amendments, while they are quite numerous, really constitute one amendment, I desire that they shall be read at the desk together without reference to the parts of the bill to which they apply.

The PRESIDING OFFICER. The Secretary will read the amendments.

The Secretary read as follows:

In the title and wherever it occurs in the bill strike out the word "decennial" and insert in lieu thereof the word "quinquennial."

On page 1, strike out all of line 1 to line 2 on page 2, inclusive, and insert in lieu thereof the following:

"Be it enacted, etc., That a census and survey of the population of the United States and of its colonies and of the education, health, insurance, agriculture, manufacture, forestry and forest products, mines and quarries of the people of the United States and of its colonies shall be taken by the Director of the Census, beginning in the year 1920, and every five years thereafter: *Provided, however,* That the taking of the census, registration, and schedule of inquiries relating to population shall be continuous, as hereinafter provided.

"The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, Porto Rico, Guam, and Samoa, said census to be made in accordance with such plans and regulations as the Director of the Census may prescribe in pursuance of the provisions of this act."

On page 2 strike out all of section 2 and substitute therefor the following:

"SEC. 2. That the period of three years, beginning the 1st day of July next preceding the census provided for in section 1 of this act, shall be known as the quinquennial census period, and the reports upon the inquiries provided for in said section shall be completed and published within such period: *Provided, however,* That the registration of the population and the schedule of inquiries relating thereto shall be commenced on or before the 1st day of July, 1919, and shall thereafter be continuous, and the results of the same shall be continually recorded and shall be from time to time compiled and analyzed, and useful statistics based thereupon published, as the public interest may require, but at intervals not longer than five years: *Provided, however,* That information identifying any particular individual or firm shall not be published but shall be held in confidence: *Provided, however,* That lists of all citizens over 21 years of age, arranged and divided into sections according to election precincts, districts, counties, congressional districts, and States, which lists shall contain information as to the race, sex, occupation, and residence of each such inhabitant over 21 years of age, shall be published on or before the 1st day of July in each year, such lists to be known as the "official Federal registration lists," and to be printed for distribution in sections as described at such reasonable prices as may be determined upon by the Director of the Census."

On pages 8, 9, 10, and 11 strike out all of section 8 and substitute therefor the following:

"SEC. 8. That the Fourteenth Census shall be restricted to inquiries relating to the education, health, insurance, agriculture, manufacture, forestry and forest products, mines and quarries of the people of the United States and the colonies, and to the population of the United States and its colonies.

"The survey and schedules of inquiries and the records relating to population shall be so made as to furnish continuing records of each inhabitant, which records shall be kept by complete card system, in duplicate, one set of records to be filed in the census office of the local subdivision and one set to be filed in the office of the Bureau of Census in Washington when it shall be called for. Such continuous survey and records of the inhabitants of the United States shall be so made as to furnish an accurate schedule of vital, educational, and industrial statistics as a basis for the formulation of legislation to promote the general welfare, defense, and safety by improving the vital, educational, and industrial condition of the inhabitants, and such survey and records shall include specifically and in detail for each and every inhabitant, the place and date of birth; acute and chronic contagious diseases; occupational diseases and accidents; school attendance and progress; business or vocational training; military training or service and wounds or disabilities contracted in service; high-school, college, or technical training; health and physical condition; the health and physical condition of all school children under 14 years of age, and of all males under 45 years of age, as ascertained by an annual medical examination; place, character, sanitation, and tenure of abode; relationship to head of the family; color; sex; age; conjugal condition; occupation; condition of employment or unemployment; registration in Federal employment agency; whether employer or employee; trade; business; public offices, honors or special achievements; payment of taxation or insurance premiums; whether qualified and habitually exercising suffrage rights in State and Federal elections; place of birth of parents, nationality, and mother tongue, and knowledge of English if born in a foreign country; nationality, mother tongue, and knowledge of English of parents of foreign birth, and number of years in the United States; literacy; and the date, place, and cause of death; and such schedules shall also include a survey of the almshouses, charitable agencies, and complete and partial pauperism in the United States.

"The survey of and schedule of inquiry relating to education shall be so made as to secure such definite and classified information as might be useful as a basis for the formulation of legislation for the establishment of a Federal department of public education and for the standardization and extension, with the aid of the Federal Government, of all of the agencies of public instruction and for the establishment of a federalized system of free public education and training extending from the elementary schools to and including technical schools, colleges, universities, and professional schools with vocational and rehabilitation schools as well as night schools for adults and immigrants, compulsory in its elementary but optional for and equally available to all in its higher departments; and such schedule of inquiry shall include a survey of the number, character, cost, and value of city and rural public-school buildings for the white and racial groups; of private, technical, and rehabilitation schools; of colleges, universities, and professional schools; salaries of teachers and the total annual cost of maintenance; the total number of children of school age; the number enrolled, the number in regular attendance, and the length of the school year; sani-

tary conditions; character of curricula and physical and mental training; tuition and living costs in private schools and colleges; and the possible availability of private institutions, schools, and colleges for acquisition for future or continued use as parts of a public system of education.

"The survey and schedule of inquiry relating to the public health and of insurance shall be so made as to secure such definite and classified information as might be useful as a basis for the formulation of legislation for the establishment of an efficient Federal department of public health, vital statistics, and insurance and for the standardization and extension of all of the various existing public-health agencies and for the promotion of rational insurance systems, particularly with the purpose of limiting the ravages of tuberculosis and other communicable diseases and of preventable industrial accidents and diseases and the destitution due to preventable injury, death, and inadequate insurance, and such schedules of inquiry shall include a survey and tabulation of vital statistics and of the health of the population as reported by the population registration records heretofore provided for; also a survey of public and private health bureaus or agencies; of public and private hospitals and sanatoria for general or special diseases; of contagious and industrial diseases; of industrial accidents; safety devices, sanitary precautions, morbidity and mortality in the dangerous and dusty trades; of tenements and insanitary housing conditions; of employers' liability laws, and of systems in force of health, old-age, accident, or other forms of insurance, with cost of same and the distribution and number of those insured: *And provided*, That the President is hereby authorized to appoint, with the advice and consent of the Senate, a commission on education of three members and a commission on public health, vital statistics, and insurance of three members to advise with the Director of the Census as to the most efficient methods of collecting and classifying data relating to these subjects, and each member of said commissions may be granted a salary at the rate of \$5,000 per annum for the term of his service, which shall not exceed three years.

"The schedules relating to agriculture shall include name, color, sex, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland, value of farm and improvements, and the encumbrance thereon, sanitary condition, value of farm implements, number and breeding of live stock on farms, ranges, and elsewhere, and the acreage of crops and the number working, including family, in crop production, and the net and gross income, the quantities and cost, including value of the labor of farmer and family or crops and other farm products for the year ending December 31 next preceding the enumeration. Inquiries shall be made as to the quantity of tilled and tillable land and of land reclaimed and reclaimable by irrigation and drainage and the crops produced; also as to the location and character of irrigation and drainage enterprises, and the capital invested in such enterprises.

"The schedules of inquiries relating to manufacturers and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, corporate, or other form; character of business or kind of goods manufactured; amount of capital actually invested; number of proprietors, firm members, copartners and officers, and the amount of their salaries; number of employees and hours of labor, and the amount of their wages; sanitary conditions and health preservation methods, and pension or profit-sharing systems; quantity and cost of materials used in manufactures; principal miscellaneous expenses; quantity and value of products; time and operation during the year; character and quantity of power used; and character and number of machines employed.

"The census of manufactures and of mines and quarries shall relate to the year ending December 31, next preceding the enumeration of population, and shall be confined to manufacturing establishments and mines and quarries which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as a factory system, exclusive of the so-called neighborhood, household, and hand industries.

"The form and subdivision of inquiries necessary to obtain the information under the foregoing topics shall be determined by the Director of the Census.

"Whenever he shall deem it expedient the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees to be employed without respect to locality."

On pages 11 and 12, strike out all of section 9 and substitute therefor the following:

"Sec. 9. That the Director of the Census, at least six months prior to the date fixed for commencing the schedules of inquiries and the enumeration as herein provided, shall designate the number, whether one or more, of supervisors of census for each State, the District of Columbia, Alaska, Hawaii, Porto Rico, Guam, and Samoa, or special agents as hereinafter provided, and shall define the various census districts, census subdivisions of the census districts, and the census precincts in which they are to act: *Provided*, That the supervisors of the census shall be appointed by the President with the advice and consent of the Senate: *Provided further*, That so far as possible the boundaries of the census districts shall conform to the boundaries of congressional districts, and the boundaries of the various census subdivisions shall conform to the political subdivisions of the States or colonies, such as counties, cities, or legislative districts, and that the census precincts shall conform to the election precincts of such political subdivisions: *And provided further*, That, if in any supervisor's census district the supervisor has not been appointed and qualified 90 days preceding the date fixed for the survey and enumeration, or if any vacancy shall occur, either through death, removal, resignation, or from any other cause, the President may appoint a temporary supervisor or director of the census district or the Director of the Census may detail any employee of the Census Office to act as a supervisor of the district: *And provided further*, That each supervisor of the census shall select, with the approval and consent of the Director of the Census, a suitable office in each of the census precincts of each of the various census subdivisions of each of said census districts, to be created as heretofore provided, to which office on census enumeration days, which shall be duly specified and publicly proclaimed by the President, all of the inhabitants of said census precinct shall come either in person or through the head of the family, parent, teacher, or head of the firm by which he may be employed, to be enrolled and to receive a numbered registration card: *And provided further*, That the supervisor of the census, also select suitable central offices for each census subdivision corresponding to either city, country, or legislative district, if possible at the county seat or at some other central point where there shall be provided, until a suitable Federal building shall be erected, as may hereafter be provided by law, rooms and facilities for the study, tabulation, classification, and safe-keeping of all record cards containing vital statistics and other information provided by the schedules of inquiry: *And provided further*, That such

central offices shall also be utilized for the accommodation of the subdivision branch of the Federal Department of Public Health, Vital Statistics, and Insurance; of the subdivision branch of the Federal Department of Education, and of the subdivision branch of the Federal Employment Bureau when and if these shall be authorized and created by Federal statutes. The Director of the Census shall also make regulations concerning the carrying by individuals, after they shall have been registered, of identification numbered registration cards: *And provided further*, That the supervisor in each census district shall select clerks, preferably residents of the census precinct, and preferably the State election or registration officials of the corresponding election district or precinct to act as clerks or enumerators in that corresponding census precinct for the making of the records in said precinct, and the supervisor of the census shall also name an assistant supervisor, and clerks to such assistant supervisor for each census subdivision, who shall have supervision of the clerks and enumerators of the census precincts, and who shall receive, classify, and care for the records in the central offices of the census subdivisions and forward them as directed to the office of the Census Bureau in Washington: *And provided further*, That one properly qualified, regularly licensed physician shall be appointed as medical supervisor for each census precinct, and one such physician shall be appointed as medical director for each census subdivision, which medical supervisor and medical director shall assist in the collection and classification of all health and vital statistics for the census precinct and census subdivision, respectively, under regulations which shall be prescribed by the Director of the Census: *And provided further*, That the Secretary of War and the Secretary of the Navy and the heads of the various executive departments of the Government shall be charged with the making, through the offices of the Provost Marshal General, of the Surgeon General of the Army, of the Surgeon General of the Navy, or through other suitable agencies, of the schedules of inquiries relating to the men in the Army, the men in the Navy, and the employees in all of the various executive departments of the Government: *And provided further*, That the President be, and he is hereby, authorized to assist the Director of the Census by calling upon the governors of the various States and colonies and upon State, county, and city officials to promote the speed and accuracy of the census taking by permitting and, so far as may be, requesting or directing the heads of the State and city departments, educational authorities, heads of private schools and colleges, teachers, and school physicians to make the schedule of inquiries relating to all employees of the said departments and to children or students enrolled in the various educational institutions: *And provided further*, That the President be, and he is hereby, also authorized to seek the cooperation of the heads of railroads, public utility, commercial, and industrial enterprises in the making of schedules of inquiries relating to their employees: *Provided, however*, That the public-school teachers who make the schedule of inquiries relating to their pupils shall be, and others, as the Director of the Census may name, may be duly authorized as enumerators of the census and shall be paid for their work, receiving such compensation from the Census Bureau as the Director of the Census may determine."

On pages 12 and 13 strike out all of section 10 and substitute in lieu thereof the following:

"SEC. 10. That the Director of the Census shall also direct that inquiries shall be made through the supervisors of the various census districts and through the assistant supervisors of various census subdivisions as to the best available site in each census subdivision, in the town or city where the central offices of the census subdivision shall be located, for the erection of a Federal building for the permanent accommodation of the census subdivision offices, for the safe-keeping of records, and for the permanent housing of the subdivision branches of the Federal Departments of Education, of Health, Vital Statistics, and Insurance, of the Federal Employment Bureau, Agricultural Extension Services, and of the Post Office; and whether the local authorities or agencies will provide the site or what would be the price of the same, such site to be suitable for the erection of a building either by the Federal Government alone or in conjunction with the local authorities, which building shall be suitable for the aforesaid uses, with fire-proof files for the population records, rooms and laboratories for physical examinations, rooms for corrective physical treatments, assembly hall, a library of United States bulletins and publications, the vocational or rehabilitation school, facilities for a Federal community center or such other activities as will best promote the Federal and local needs: *Provided*, That the results of these inquiries shall be tabulated and submitted to the chairman of the Committee on Public Buildings and Grounds of the Senate for consideration by that committee: *Provided further*, That each supervisor of census shall be charged with the performance within his own district of the following duties: To consult with the Director of Census in regard to the division of his district into subdivisions most convenient for the purpose of enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census as heretofore provided; to designate to the director suitable persons, and with his consent to employ such persons as enumerators, one or more for each precinct and subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the director at such time and in such manner as shall be prescribed; and to make up and forward to the director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct if so found by the supervisor, and said accounts so certified shall be accepted and paid by the director.

"The duties imposed upon the supervisor by this act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census."

Mr. FRANCE. Mr. President, I confess that it is with a sense of diffidence, and I may say of responsibility, that I rise to discuss the amendments which I have proposed to the pending census bill. I realize perfectly well that this whole subject of the census is generally deemed to be a most technical one, and being technical, it is deemed to be a most uninteresting subject; but I think that, if I could secure the attention of the Senate to a real consideration of the amendments which I propose, the Senate would soon come to a realization that not only do these amendments to go to the very heart of the question as to the

methods by which the census should be taken, but that they also go to the very heart of the theories upon which the modern census, at least, is based; and that these amendments go to the very heart of this great subject which confronts us in this reconstruction period, as to what are the legitimate functions of government and as to what are not.

I have very positive views upon this subject. Throughout my political experience I have always sought to be a liberal in politics, but I have sometimes been distressed to observe that many of the so-called progressives were not progressives, but that they were destructives; and, Mr. President, in my political thinking, while I have leaned toward liberalism, I have always sought to avoid destructivism.

I believe in the principles of this Republic, and therefore I am a Republican and not a democrat. I believe that the fathers clearly understood what were the proper functions that belong to government when they wrote the Constitution of the United States, and I think that they clearly understood also what functions did not and should not belong to government.

Mr. President, it seems to me that an important problem of the reconstruction period is to decide this question: What are the legitimate functions of government as it has been constituted in the United States?

Mr. President, I hope the Senate will pardon another personal reference. I have sought to be a liberal in politics, and it is for that reason that I am opposed to the assumption by the Government of functions which are nongovernmental. If I could take every liberal in the United States by the hand to-day, I would say to him: "You, who believe in progress and liberalism in government, should be warned by the experience, the painful experience of the last few months, as to the danger of transferring to the Government those functions which do not properly belong to government at all." I would ask such liberal to read this language, taken from an advertisement, evidently contributed by patriotic citizens, in the *Buffalo Commercial*. I am not sure as to the politics of that paper, but whether it is Democratic or Republican it must believe in the Republic and those great principles of republican government which lie underneath the very foundations of the Republic:

STATE SOCIALISM.

Human experience proves that every government, whether autocratic or democratic, seeks to extend its powers and increase its authority at the expense of the liberties of the governed.

We are witnessing to-day an attempt by the administrative branch of the United States Government to consolidate and perpetuate the powers conferred upon it in a time of war, although peace has returned.

Secretary Daniels wants to take over the radio systems of the country. Secretary Burleson, placed in control of the telephone and telegraph lines as a war measure, has grabbed the cables since the armistice was signed and now coolly proposes Government ownership and operation for all of them.

Director General McAdoo pleads for five years of Government control of the railroads, well knowing that by the end of that time it would be well-nigh impossible to turn them back to their rightful owners.

We are headed straight for State socialism, a system that negates all individual initiative, discourages private enterprise, and creates an oligarchy of officeholders and State employees to vote in or out of power that party that does or does not meet their demands in fullest measure for more pay or more favorable working conditions and hours.

This is the great issue of the day, and it is absolutely necessary that an intelligent body of public opinion be lined up behind our lawmakers if a national calamity is to be averted.

Every business man, everyone with money invested in an enterprise of any kind, every farmer or home owner, every young man with a future to look forward to, and older men who desire that their sons should be given an equal opportunity with the young men of the past are hereby invited to write to their Senators and Congressmen, respectively, protesting against any legislation which has for its purpose the socialization of any of this country's great business organizations.

State socialism means surrender to the Socialistic Party. That surrender, unless prevented, will eventually give control of the Government to the Bolsheviks.

Democratic leaders have gone on record as advocating Government ownership. We do not believe the Democratic masses will stand for this proposed sale of their party to the Socialists.

Mr. President, it has been interesting to me as being, I think, somewhat in touch with the liberal thought of this country to see the certainly changing attitude of the masses of the people in the United States toward the question of the assumption by the Government of functions which can not from any standpoint be considered to be functions which should properly inhere in the Government. They have seen the Postmaster General stretch out a hand and grasp the wires and cables of communication; they have seen that hand suppress the movement over those wires of news and of thought and of opinion. They have seen the menace involved in such governmental action. All of the thinking people of this country who are not satisfied with conditions are very much interested in securing news as to what is transpiring in Europe concerning the peace conference and as to what is transpiring in Russia, because, Mr. President, most definite and certain news seeping through various channels from Russia informs us that deliberate untruths have been told to the American people with reference to the situation

there; and these people, desiring to understand the situation, have seen the danger of having an interested Government controlling the information which the people have a right to have in order that they may pass intelligent judgment as to what foreign policy is being considered and as to what policy may be presented to them later for their adoption.

In this connection I wish to quote from a paper which I rarely quote; a paper which, while representing the great press of the South, is unfortunately so partisan in its views that its judgments are very often biased. This newspaper was in favor of the espionage act. I do not know whether it was in favor of the seizure of the cables, but already it has come to the position where it realizes that all is not well with the Democratic administration so far as its seizure of the cables is concerned. This editorial is headed "An unfortunate incident." I will ask, Mr. President, to have it inserted in the *RECORD*. I will give the substance of it, so that there may be no lack of continuity in my discussion. It refers to the question of suppression of news with reference to the English proposition to deal constructively with the Russian question, and it asks this question:

Why should we have to learn from a Paris Socialist paper, *L'Humanite*, that the British Government proposed on the 3d of this month that representatives of the various Russian factions should be allowed to come to Paris and discuss with the great powers terms of a permanent settlement?

And so forth.

I ask that the entire editorial may be printed in the *RECORD* at this point.

The PRESIDING OFFICER (Mr. McKellar in the chair). Without objection, it is so ordered.

The editorial referred to is as follows:

AN UNFORTUNATE INCIDENT.

The first of President Wilson's 14 principles was a demand for open international covenants openly arrived at. Is that principle being discarded at the outset? The Paris correspondent of the New York Herald cables that American newspaper men are told every day there is nothing for publication and are kept in the dark, and he intimates that if any covenants are being made they are not being made in the open. Possibly this is an exaggeration or a misconception.

But why should we have to learn from a Paris socialistic paper, *L'Humanite*, that the British Government proposed on the 3d of this month that representatives of the various Russian factions should be allowed to come to Paris and discuss with the great powers terms of a permanent settlement? The statement of the exact character of the proposition differs. From the reply of the French minister of war, as given in *L'Humanite*, it was interpreted by the French Government as an invitation to the Bolsheviks to take part in the peace conference. As explained by our Mr. Polk, it was a call on all the Russian factions to suspend hostilities and send delegates to Paris with a view of adjusting their differences and restoring law and order in Russia. But no matter which statement more accurately describes the proposal, there can be no doubt that it was one of the first importance. Why was it not made public at once?

The American delegates at Paris say they knew nothing about it until M. Pichon's scathing rejection of the British suggestion was published in *L'Humanite*. And Mr. Polk, our Acting Secretary of State, did not give it out, supposing that the memorandum which had been handed him on the 3d of this month had also been submitted to President Wilson and our delegates in Paris. It was clearly so big a thing that Mr. Polk did not feel at liberty to divulge it without authority from Paris. And yet he was so absent-minded that when a correspondent interviewed him with regard to M. Pichon's statement he "did not connect the question with the proposal referred to in the memorandum received from the British charge," and denied that any such proposal had reached him.

The closer the adherence to President Wilson's principle of open diplomacy the better it will be for everybody. The British proposal may be entirely defensible—may be based on motives of justice and wisdom. But it has gotten a black eye to start with because it was kept secret. That makes it at once an object of suspicion, invests it with the aspect of intrigue and double-dealing. Everybody begins to read into it weakness or selfishness. The French politely explain it as a reversion to the old Lloyd-Georgian radicalism and to a fear of Bolshevism at home. Others, more cynical, think it looks to a bargain for the payment of the British debt, or for such a reconstruction of Russia into small States as will eliminate her as a future menace to British interests in Asia.

None of these suspicions might have been aroused had this preliminary "covenant" been posted on the peace conference bulletin board. As it is, we seem to start off with a failure to insist on our own first and fundamental principle.

Mr. FRANCE. Mr. President, I shall not discuss further at this time the other functions which I believe the Government, unnecessarily, improperly, and to the damage of the country, and to the proper progress of the conduct of the war, has assumed. I wish rather to get back to my theme, which is that progressive government can not exist, that free government is menaced, when the Government begins to assume nongovernmental functions.

That does not mean, Mr. President, that I am what should be called a "stand-patter." I am dissatisfied with conditions in this Republic; I realize that there are legitimate reasons why there should be here profound unrest; but I believe that we can meet the problem by first deciding definitely what are government functions and what are not, and then by beginning reconstruction work, not with a trowel, but with an ax, in order that we may cut the Republic free from many of these bureaus

which have been built up and release it from the performance of nongovernmental functions, while at the same time insisting that every proper governmental function shall be performed with the very utmost of efficiency.

The trouble in this country is not due to our governmental form. It is rather due to the fact that the Government has not been efficiently performing its legitimate governmental functions, and that there have not been enacted the laws which, under our growing social and economic complexity, are necessary in order that the great fundamental principles enunciated by the fathers might be applied to a condition totally unlike that which existed in their day, but, I believe, a condition which they foresaw; because there is not lacking in the Constitution, as I believe and as I hope later to show, authority for the performance of one of these great fundamental functions which are really the proper and legitimate functions of government, and because of the inadequate and inefficient and bureaucratic performance of which great evils have arisen in this country.

You may say, perhaps, that I am neither flesh nor fish. I believe in the Republic, but I believe in change under the Constitution. I believe in reform, legitimate reform. I believe in a rearrangement and a reorganization of the whole Republic along certain lines, without the assumption by the Republic of a single function which it is not performing to-day, and which it has not the legitimate and constitutional right to perform.

Mr. President, if the Senators will agree with me that the survey of the condition of the Republic, that the enumeration and enrollment of its inhabitants, that the examination of the condition of each inhabitant, of the condition of his health, of the condition of his literacy or of his illiteracy, of the condition of his employment or unemployment, and so forth, are a legitimate function of government, we can go together; and I fail to see how you can disagree, for the census clause is one of the first written into the fundamental, organic law of the Nation.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. With pleasure.

Mr. KING. Referring to the last suggestion made by the Senator, does he think that the Government should act merely for the purpose of obtaining the desired, needful, and useful information, or for the purpose of aiding persons to secure employment, and also furnishing them employment, and embarking upon what might be termed a paternalistic industrial system? I ask because if it is the former, no one probably would disagree with him; if the latter, there might be a wide diversity of opinion.

Mr. FRANCE. Mr. President, I will suggest to the Senator that there are several questions involved in his question.

What is paternalism? What does the father do? Does he bring his son into the world and keep him as an infant all his life? Does he weaken him and soften him by an undue amount of paternal protection? Sometimes he does, and the product is an unmoral product; it is an un-American product. But I would ask the Senator if it is a legitimate function of paternal care to see that the child is born under as good conditions as possible, and that the child, being so born, shall be given every possible security against destruction by contagious or infectious disease, and that he be given as good an opportunity as the next man to secure a thorough education to fit him for the race of life?

I think, without discussing all of the proper functions of paternal care, that we can agree that there are legitimate paternal functions and illegitimate ones. The Senator will admit, for example, referring to the whole subject of popular education, that there were men who contended at one time that the establishment of popular education was paternalism. From what I know of the Senator from Utah and his views, I do not feel that we shall be very far apart upon that subject, although it is quite possible that from that undefined region which lies between legitimate and illegitimate paternalism I might select certain functions for the Government to perform which he would not select. But I think, so far as our fundamental conceptions are concerned, that he and I are in entire agreement; and I am making an effort to differentiate, if possible, between what I consider to be legitimate governmental functions, or, if you please, paternalistic functions—because all of the duties of governments are paternalistic in one sense—and what may be considered illegitimate governmental functions.

Certainly the census taking is a proper function. Do you believe that public education is a legitimate function of government? If you do, we go along together. I do not propose to give much time during the hours in which I shall discuss this subject to proving that popular education is a legitimate function of government, but I believe it is. If it is, give us education. Give us education for everybody. Give the poor

boy as much education as the rich man can buy, and give it to him at the expense of the State. The failure to do this is one cause for unrest. Why should my boy, because I have a few thousand dollars a year, go to a great university, when he may be a blockhead, and get an education which the boy of my neighbor, who has not the money, can not get?

There, I will say to the Senator, is a border-line case. I believe that public education is a function of government; and, believing so, I do not believe that the Government can afford to try to highly educate a fool, nor do I believe it can afford to withhold from the brilliant young man the utmost education which he is capable of taking, regardless of his financial condition. Probably the Senator would say that that was one of the border-line questions.

Mr. KING. Mr. President, if the Senator will permit an interruption—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I do.

Mr. KING. I concur with probably all that the Senator has said respecting the question of education, except that if he means that the Federal Government should assume the education of the children in the States I could not concur with him. I think that the sovereign States have resting upon them the responsibility of educating the children within their borders; and this duty they are performing with zeal and enthusiasm. I do not know of a single State that does not have a university in which the higher branches of education are taught, and taught freely, to all within the State.

I think if the Senator will go into the great universities of our country—and I do not want to indulge in any invidious comparison, but universities such as Yale and Harvard and Columbia—

Mr. SMITH of Michigan. And Michigan.

Mr. KING. And Michigan, certainly, as my distinguished friend from Michigan suggests; and I can speak with pleasure of that, because I attended that university—I think he will find more students who are the children of parents who possess but little or none of this world's goods than he will those whose parents possess wealth. It is a very common thing in these great educational institutions to find young men who work their way through college, because of their lack of means and the poverty of their parents. It is my observation that any young man in the United States who wants an education can obtain it, and it has not been denied him on account of poverty.

Mr. FRANCE. The Senator has again mixed several questions in his reply. If he will go to Wisconsin University, for example, he will find a university which I believe—and the Senator from Wisconsin can correct me if I am misinformed on that subject—is really a part of the system of public education; but if he will go to certain other institutions which I could name—and I will not name them—he would find that very few poor boys are there.

Mr. KING. If the Senator means that in some States provision has not been made to give the children of the poor the highest education that may be given to the children of the rich within the State, that State has failed in the discharge of its duty.

Mr. FRANCE. I feel so.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. FRANCE. With pleasure.

Mr. SMITH of Michigan. It may not be inappropriate to say that there are men within the sound of the voice of the Senator from Maryland and the Senator from Utah who worked their way through a great educational institution. I do not happen to be one of them. I did not have the privilege of attending the University of Michigan. In fact, I had very little early education, because of the necessities of my situation; but my colleague [Mr. TOWNSEND], who was equally poor and equally determined and much abler, worked his way through in the most humble employments, and there was no bar to him.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. FRANCE. I yield, with pleasure.

Mr. LENROOT. I should like to call attention to the fact that although a university may provide free tuition, nevertheless it is not possible for every young man to work his way through the university. In many cases—a very large percentage of cases—he has dependents whom he must support, and it is not alone a question of making his own living while he is securing an education. Wisconsin University has recognized this, and has recognized it very substantially through its extension

courses, whereby it seeks to provide for the boy at home who must be supporting dependents at that stage of his life a fair amount of higher education.

Mr. FRANCE. Mr. President, the Senator from Utah and the Senator from Michigan have opened up a very important subject, and the remarks of the Senator from Wisconsin are quite applicable. I am not undertaking this afternoon to discuss the large question as to whether the States or the Federal Government should provide public education. I am merely laying down the proposition that if public education is a legitimate function of the Government, it must perform that function universally and fully; and it is not doing it—

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. FRANCE. Will the Senator permit me to proceed a moment? It is not doing it when we come to a great war and find that out of the 2,000,000 men called to defend the Republic against a violent and a most dangerous enemy 200,000, or 10 per cent, are illiterate. Our enemy had no illiteracy in his armies, because Frederick the Great had learned the value as a fighting man of the educated man, and, because he was both a capable and a ferocious military leader, he decided to educate his people. Does the Senator desire to defend a system of education which would force this great Republic, supposed to be the leader in enlightenment throughout the world, when exposed to such a deadly danger, to call 2,000,000 men to its defense and find 200,000 of them unable to read or write their names or to understand the orders which they must read in order to perform their duties in defending the Republic?

I now yield to the Senator from Tennessee with pleasure.

Mr. McKELLAR. Mr. President, I can not let this opportunity pass to say that I agree most heartily and cordially with the propositions as to national aid to education that the Senator from Maryland is so well laying down. It is one of the remarkable things that this great, rich Government of ours, contributing millions and sometimes almost billions to other worthy purposes, practically furnishes nothing to the cause of education of the youth of our land.

I agree with the Senator entirely on this subject. I think our Government should see to it that there are no illiterates in this country. We should do away with illiteracy; and while it is primarily the duty of the States, if the States do not perform that duty it is our duty as a National Government, it is our duty as legislators, to furnish the necessary money and the necessary means to educate the youth of America.

I am for education. I am for any kind of an educational bill. I am about education somewhat like the old-fashioned Kentuckian used to be about his whisky. It was all good, better, and best, and there was no bad whisky. [Laughter.] And so I think about education. It is all good. Private education is good. State education is good. And national education is good. It is all good. It is all helpful.

I am for any kind of an educational measure. I am for the best, of course, if possible. If we can not get that, then I will take the good or the better kind of an educational measure. I indorse what the Senator has said on national aid to education. I was much interested in and strongly for the vocational education we provided for some time ago. I was even more in favor, if that could be possible, of the educational rehabilitation of our wounded and maimed soldiers as provided for by us recently. And it would give me the greatest pleasure to support some general scheme of national aid to the cause of the general education of our youth. I hope some general plan can be agreed to so that the greatest, richest, and most powerful Nation on earth can also be the best educated.

Mr. FRANCE. I thank the Senator; and I would say that I am not raising a sectional question, because there are strict constitutionalists on that side of the Chamber who feel exactly as I do. Indeed, the Senator from Georgia [Mr. SMITH] has introduced a measure which, while it does not entirely meet with my views as to the best method, expresses purposes which are entirely in accord with the purposes which I have in mind, although the Senator from Georgia comes from a State which ordinarily would hold that the function of education belongs to the State rather than to the Federal Government.

But, Mr. President, I should be moving on.

Is the protection of the public health a legitimate function of Government? Well, I will only say the same thing—that if it is to the interest of State government and if it is to the interest of the Republic to protect in every legitimate and proper way the health of its citizens, then let us have a public-health system which will function, and function universally, and function scientifically.

I do not feel that any Senator can be in disagreement with the fundamental principles which I am laying down, so far as the social survey, public education, and the public health are concerned. Is the relief of unemployment, not in any paternalistic way, but in the way of bringing an unemployed man in New York, for example, in contact with an opening in Maryland, through the establishment of public-employment bureaus, a legitimate function of government? If it is, let us have public-employment bureaus which will function effectively.

Mr. President, if there are any men in this Chamber, let me say, who desire seriously to contend that any of these functions are not legitimate public functions, and that they are not legitimate functions of this Republic, then I will suggest to them that they had better resign from the Congress of the United States, or withhold in the future some of the votes which they have cast in the Congress of the United States; for every one of those functions is now being performed not only by the States but by the Federal Government as well; and I propose, later on in my discussion, to show that every one of those functions has not only been performed but that they can be legitimately performed; and I propose also to show that these very functions which the Federal Government has been performing during this war it can also legally perform during times of peace.

Mr. President, I desire to say, in passing, that these amendments which I have offered to the census bill are so fundamental, they open up such a large subject, not only the particular subject with which the amendments seem to deal, but the whole subject of reconstruction, as I have intimated before, and, indeed, the whole subject as to the legitimate and proper functions which government should perform, that, in view of the vastness of the subject, it would really take weeks of discussion to touch upon the most salient points. I am also very frank to say that if I felt that such a discussion by me of this subject, for weeks, would secure the serious and careful attention of the Senate to it, and favorable action upon these census amendments—which, of course, are only a part of a program of legislation which I have in mind—I would not hesitate one moment to stand here and talk until the 5th of March, until there should be an extra session to deal with these fundamental problems of reconstruction, with which, if we do not deal, we will invite a most dangerous situation in the country; and let me say that with all the emphasis which I can put upon it.

The people of this country are not satisfied, and I hope they never will be, with conditions as they are; for it is not proper that the citizens of this great Republic, which is to be the pioneer in government, which is to be the leader in the great procession down the ages toward a better and a more peaceful civilization of the world, should ever be satisfied. I hope they will always be filled with a divine discontent. I rejoice to-day that conditions in this country are such that we can not go back to where we were before; and if there be any in this Chamber or in this Congress or in any of the legislative halls of the United States who believe that reconstruction means restoration of the old conditions, then, indeed, such a man is blind, not only to conditions as they prevail in this country but blind also to the whole deep meaning of this mighty struggle in which the world is now engaged.

Mr. President, I have been attempting to make it clear that these amendments are designed as a step toward removing those conditions which are a legitimate cause for unrest and for discontent. They are designed to lay a foundation for reconstruction as broad as the teeming millions of our population in this country and in our colonies in the islands of the sea, and as deep as every individual need which can be properly met by any legitimate function of the Government.

Mr. President, I love my country better than my party, and I will follow the leadership of any man who has a practical plan for leading this country and the world out of the present wilderness.

As I have pondered upon the situation in which we find ourselves, not only in this country but in the world, I have thought sometimes that in this crisis in human affairs we have a leaderless country, a leaderless world. Ideals are not enough. They must be applied and conditions must be considered as they are and not as we would wish them.

The problems of this country can not solve themselves. While I find myself in agreement with many of the ideals expressed by the President, I have been forced to reach the conclusion that he has not appreciated conditions as they really exist, not only in this country but throughout the world.

I shall not now discuss the world conditions, although of course they properly belong to the great question of reconstruction, because I believe that our reconstruction should consider the problems of the world as well as the problems of this country. But so far as the problems of this country are con-

cerned, certainly the President has not perceived them, because on December 2, in his farewell address, he said:

So far as our domestic affairs are concerned the problem of our return to peace is a problem of economic and industrial readjustment. That problem is less serious for us than it may turn out to be for the nations which have suffered the disarrangements and the losses of war longer than we. Our people, moreover, do not wait to be coached and led. They know their own business, are quick and resourceful at every readjustment, definite in purpose, and self-reliant in action. Any leading strings we might seek to put them in would speedily become hopelessly tangled because they would pay no attention to them and go their own way. All that we can do as their legislative and executive servants is to mediate the process of change here, there, and elsewhere as we may. I have heard much counsel as to the plans that should be formed and personally conducted to a happy consummation, but from no quarter have I seen any general scheme of "reconstruction" emerge which I thought it likely we could force our spirited business men and self-reliant laborers to accept with due pliancy and obedience.

Mr. President, there is no denying that for a short time the great liberal spirit of this country looked to Woodrow Wilson for its leadership; but there is also no denying the fact that for a long time this has not been the case, and that this statement alone, which reveals that the President does not understand conditions in this Republic, should be enough to turn the liberals of the country from him. I say this in no unkindness. We must have a solution for these problems which are real and pressing.

I recognize the fact, in extenuation of the statement quoted, that the President had been so preoccupied with a consideration of foreign questions that he had really not had the opportunity to sense and to appreciate the conditions which then existed in this country and which do now exist.

Mr. President, I desire to read portions of the amendments which I have proposed, with an explanation briefly of their meaning and of their purpose.

So far as the first amendment is concerned, it reads practically as the language of the bill down to the point where it says:

Provided, however, That the making of the census, registration, and schedule of inquiries relating to population shall be continuous, as hereinafter provided.

That is one of the chief points in my amendment or in my series of amendments. They provide for an enrollment or survey which shall be continuous and that, together with the fact that my amendments provide for a larger number of subjects for the schedule of inquiry, covers the substance of them. In a word, my amendments provide for a card catalogue, continuously revised, giving full information concerning the population of the United States.

Then in the second amendment, the amendment to section 2, there is a provision that so far as the census applies to the more fixed problems it shall be quinquennial instead of decennial. Referring to the continuous-enrollment feature, it says:

Provided, however, That the registration of the population and the schedule of inquiries relating thereto shall be commenced on or before the 1st day of July, 1919, and shall thereafter be continuous, and the results of the same shall be continually recorded and shall be from time to time compiled and analyzed, and useful statistics based thereupon published, as the public interest may require, but at intervals of not longer than five years: *Provided, however,* That information identifying any particular individual or firm shall not be published, but shall be held in confidence: *Provided, however,* That lists of all citizens over 21 years of age, arranged and divided into sections according to election precincts, districts, counties, congressional districts, and States, which lists shall contain information as to the race, sex, occupation, and residence of each such inhabitant over 21 years of age, shall be published on or before the 1st day of July in each year, such lists to be known as the "Official Federal registration lists," and to be printed for distribution in sections as described at such reasonable prices as may be determined upon by the Director of the Census.

Now, the object of the published list is that there should be, at the periods of election, official registration lists, containing addresses, in order that a candidate who desires to present to the voters of the country items of interest and of importance may have the addresses readily at hand. Of course, one of the objects of this publication is to also save the unnecessary expense of local registration for election purposes.

The next amendment to section 8 contains the schedule of inquiries which would be made, so far as the individuals are concerned.

Sec. 8. That the Fourteenth Census shall be restricted to inquiries relating to the education, health, insurance, agriculture, manufacture, forestry and forestry products, mines and quarries of the people of the United States and the colonies, and to the population of the United States and its colonies.

Into that schedule of inquiries the chief items introduced which are not in the bill are the items of education, health, and insurance, and, as will be seen later on, the employment or unemployment of the people of the United States. This does not, however, cover the whole subject, as will be seen by those who are sufficiently interested to follow the enumeration of the schedule.

The survey and schedules of inquiries and the records relating to population shall be so made—

And here is a very important part for those who should be interested:

as to furnish continuing records of each inhabitant, which records shall be kept by complete card systems, in duplicate, one set of records to be filed in the census office of the local subdivision and one set to be filed in the office of the Bureau of Census in Washington when it shall be called for. Such continuous survey and records of the inhabitants of the United States shall be so made as to furnish an accurate schedule of vital, educational, and industrial statistics as a basis for the formulation of legislation to promote the general welfare, defense, and safety by improving the vital, educational, and industrial condition of the inhabitants, and such survey and records shall include specifically and in detail for each and every inhabitant the place and date of birth; acute and chronic contagious diseases; occupational diseases and accidents; school attendance and progress; business or vocational training; military training or service and wounds or disabilities contracted in service; high-school, college, or technical training; health and physical condition; the health and physical condition of all school children under 14 years of age, and of all males under 45 years of age, as ascertained by an annual medical examination; place, character, sanitation, and tenure of abode; relationship to head of the family; color; sex; age; conjugal condition; occupation; condition of employment or unemployment; registration in Federal employment agency; whether employer or employee; trade; business; public offices, honors or special achievements; payment of taxation or insurance premiums; whether qualified and habitually exercising suffrage rights in State and Federal elections; place of birth of parents, nationality, and mother tongue, and knowledge of English if born in a foreign country; nationality, mother tongue, and knowledge of English of parents of foreign birth, and number of years in the United States; literacy; and the date, place, and cause of death; and such schedules shall also include a survey of the almshouses, charitable agencies, and complete and partial pauperism in the United States.

Mr. President, with reference to this schedule of inquiry, I would say that it seems to be a rather voluminous schedule; but, as a matter of fact, practically all of these various inquiries are being made to-day. I wish that I might impress upon those who do me the honor to be interested in this subject that while this change in the method of taking the census seems to be a radical one and while it at first sight might seem to be a change which would involve a very great expense, this is not true, for, taking the country as a whole, without regard to the activities of the Federal and of the State governments—that is to say, taking the activities both of the Federal Government and of the State governments together—we find that this schedule is being investigated now, and that, also, in a practically continuous manner. For example, take the registration of births; we have a system of birth registrations. Take the registration of deaths; we are making that now.

I might say, briefly summing up the schedules which are now being followed, that the governments, taking the Federal and the local governments together, are now collecting these statistics in various ways, all of these ways, however, unsatisfactory and unscientific, one method conflicting with another and one agency with another. We are collecting, under our present schedules in operation, statistics with reference to births. When a child takes an infectious disease it is reported. When he enters school he is registered. Whenever he is promoted in school it is noted. When he graduates from the public-school system it is noted. When he takes tuberculosis or any other contagious or infectious disease as an adult it is noted. When he becomes 21 years of age he is registered. When he marries it is recorded. When he gets out of employment it is sometimes recorded. When an accident happens to him a record is often made of that. When an immigrant comes to the country a record is made of that fact. We are to-day practically making a continuous registration or enrollment of our people, but it is being done in such a way that statistics, as a result of the inquiries which are being made, are very largely without value, because they are unsystematically gathered and are so improperly classified and finally recorded that they are not available.

For example, take the question of the mortality statistics. They were first incorporated in the schedule of inquiries by the Federal Government under the Federal census in 1850. It was deemed most important for the accuracy of the census returns that we have a knowledge of the mortality statistics, but in the juggling about with the various census schedules mortality figures were finally dropped from the schedule of inquiries, and to-day while we have publications of the Government dealing with the question of mortality statistics, such as this great volume which I have in my hand, the statistics are very largely unreliable, because they are no longer collected by the Federal Government, but by various State agents and by certain medical societies. As a matter of fact, to-day the mortality registration area only covers about 41 per cent of the population of the United States, while so far as the birth statistics are concerned—and I am referring to these schedules to show how defective our census is and yet how we are attempting to gather these statistics—the registration areas from which reports of the births are required only include 32,000,000 white and 840,000 colored.

There may be reasons why we should know how many colored births there are in a year in the United States, but if there are such reasons we have no schedule of return upon that subject. I believe there are reasons, to which I shall refer later when I come to a discussion of the subject of public education.

Mr. President, I hesitate very much to trespass upon the time of the Senate in this manner, and I believe that most of the Senators here will acquit me of ever wishing to presume upon the patience of the Senate so far as the making of long addresses is concerned, but I must ask the indulgence of the Senate upon this occasion and upon the occasions of my future discussion of this matter, because the whole subject is to my mind so vital that I can not let it pass; I can not let it disappear from view in the vast multiplicity of legislation with which we have to deal here. I can not let it escape the minds of the Senators whose work is so arduous that it is really impossible for many of them to be continuously in this Chamber. I was, before my election to this body, one of the men who visited the Senate and who labored under the impression that because the Senate Chamber was not filled with Senators all the time the Senate of the United States was not performing fully its functions. I think there should be some sort of announcement clearly made to the people of the United States to the effect that the reason why Senators are not in this Chamber when they are not here is because they are so frequently pressed with public business that it is impossible for them to be in the Chamber.

In connection with the inaccuracy of statistics, we should consider the great subject of unemployment. Could there be a more important subject than unemployment, particularly during this reconstruction period? I think not. Unemployment is one of the great problems which governments must solve.

The Senator from Utah [Mr. KING] interrupted me sometime ago and asked me what I considered to be the proper functions of government. I believe that students of government, from the wisdom which they have gained from a careful examination of governmental problems, must inevitably be led to the view that the problem of unemployment is a governmental problem which must be dealt with and solved. But how can we solve it unless we know what it is?

Mr. President, we knew in 1914 and 1915 that something was wrong in this country. We knew that there was unrest. We knew that there was such unrest that in some places the very foundations of the Republic seemed to be trembling. There were disturbances. There were thousands of hungry men walking the streets of our cities.

If you will pardon a personal reference, I will say to you now with all the earnestness I possess that, as a medical man who has taken particular interest in the subject of madness, the most terrible madman or the most dangerous animal that walks the earth is the hungry man.

Mr. President, in our discussion of problems of reconstruction, in our discussion as to how to restore peace in Europe, in our discussion as to how revolutions shall be quelled, and in our discussion as to how the spread of anarchy can be checked, let us not forget that there is no form of government in all the world that can hold hungry human beings in control.

The Senator from Utah [Mr. KING] is here. I do not believe that the Senator from Utah will disagree with me when I say that the question of employment or unemployment is a question which must be dealt with by the Government, certainly so far as the gathering of statistics is concerned, and by the Federal Government, because we already have what purports to be a Federal Employment Bureau. I do not care to criticize it at this time, nor its methods, but if it were in the hands of the most efficient scientific students and experts in the subject of unemployment in all the world it could not meet the situation, because we do not know how many men are employed, and we never have known in this country how many of our people were unemployed.

Speaking of the desirability of Government ownership, Mr. President, I would say that after the railroads have been in the hands of the Government for five years, if they are not more efficient than are the systems of public education, public health, and public employment in this country it will not take five hours only to go to New York, but it will require a Sabbath day's journey.

I was about to say that in 1914 and 1915 when we knew that something was wrong—and I desire to say I am not bringing this up in any partisan spirit—when we knew that there were a large number of unemployed, we were guessing whether there were 1,000,000, 2,000,000, or 5,000,000 men unemployed in the United States, and what did we have to do? It was imperative that the various employment bureaus should know how many men were unemployed in order to deal with the problem. What did we do? We had to go to one of the great industrial insurance companies of this country, that company being in closer

touch with the hearts and the needs and the conditions of the people than their own Government, to find out how many men were unemployed, in order that the legislative bodies of this country might intelligently consider the great subject of unemployment.

Mr. SMITH of Michigan. Mr. President, if it will not interrupt the Senator, I ask if he will yield to me.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. FRANCE. I yield with pleasure to the Senator from Michigan.

Mr. SMITH of Michigan. That was about the time that the administration created an employment bureau in every hamlet and village and city in the land and turned the post offices into employment bureaus; but that did not give work. Work is an economic proposition, and it is not too much to say that when the party is in power that protects the American market place from unfair and unnecessary incursions there is always employment for labor, and when the party is in power that wastes its substance in following the will-o'-the-wisp then they turn the post offices into employment agencies, and, of course, they keep more agents receiving applications than they have jobs to give out.

Mr. FRANCE. Well, I must say that I agree with the Senator from Michigan in the main. I think from what the Senator has gathered from my remarks he will realize that I am not one of those who believe that every citizen of the Republic should be nurtured all of his life on the Government pail. I believe as to the great Senator from Michigan, without reflecting upon his successor, that the Senator's going from this body will take from here a man who understands the fundamental economic problems of this country and the fundamental economic laws which, although we may call ourselves lawmakers, we have never yet learned how to supersede. The going of that Senator will be a loss to this body, for the very reason that he understands, for instance, that employment bureaus can not always give work. I am not prepared to discuss that subject just at this moment; but I want to say that the fact is that we must have the unemployment figures, if it be only to know what the situation is, if it be only to let the country know, in order that there may be a change from an unsound economic condition to a sound and stable one. I think the Senator will agree with me that it would be advisable at least to know the figures which record the unemployment at any particular time.

Mr. KING. Mr. President, will the Senator from Maryland yield to me?

Mr. FRANCE. I yield to the Senator from Utah with pleasure.

Mr. KING. I desire, in the time of the Senator, merely to say one word in reply to the distinguished Senator from Michigan [Mr. SMITH], whom the Senator from Maryland is now eulogizing, and in which eulogy I most heartily concur. However, in an humble and friendly spirit, I beg to state that the Senator from Michigan, like Ephraim, is still wedded to his idols, but he is so naive and delightful in his idolatry, in his refreshing devotion to protection, and high protection, that really his criticism of the Democratic principles and theories of economics falls upon my ears in so gentle and inoffensive a way as to soothe me into serenity. But really it is fair to say—and if the Senator from Michigan had occupied the floor a moment more he would have said—that you can not attribute the present economic and industrial condition of the United States to the tariff or to a lack of protection. The war has pushed aside the normal laws of trade and the law of supply and demand. The nations of the earth have been in a great war for four years, and we have been engaged in that war for 18 months or more. During this period the United States has been called upon to furnish billions of dollars' worth each year of our products for consumption in Europe. That has stimulated the market; it has drawn into manufacturing centers large numbers of the population of the United States. Wages have been increased. The abnormal situation by reason of the war has created an abnormal situation in our industrial and economic system. Four millions of men have been drawn from the channels of trade and commerce; that is to say, from the ordinary channels in which they were employed. More than 4,000,000 of men—a large number—have gone into industrial service. Four millions have been called into the military and naval service of the Government. It would be a physical impossibility to-day to take those men out of the military service and have them go back to their place in the industrial and social system of the country without more or less of disturbance. This transition unquestionably will result in more or less of paralysis in business.

We have a tariff now—a tariff in the shape of an embargo—so high that it has prevented exports, and in a large measure has prevented imports. You can not export and you can not import

without securing a license, and the embargo is still in part in force. So the tariff question cuts no figure at all. Germany, a great competitor, and Great Britain, another great competitor, are unable now—Germany, at any rate, is—to compete with us or to ship anything into our markets. England furnishes us but little of her manufactured products. So the question of a tariff now cuts no figure in the present economic and industrial situation. If there is social unrest, if there is a falling of wages, and if there are men out of employment now, it seems to me that it is a rather strange mental concept to attribute that situation to the fact that we do not have a prohibitive tariff or a tariff so high that it might suit the views of the distinguished Senator from Michigan.

I think that the Labor Department has done a great deal of good in seeking to ascertain the needs of the people and trying to find where employment is required. The Labor Department heretofore—I mean since the war began—has not been so much concerned in furnishing places as it has been in getting men to fill places, because there were so many places in the industrial centers made necessary by the progress of the war that it was almost impossible to find men to fill those jobs. We did not have any tariff then, when there were two or three jobs for one man and when wages went from two, three, or four dollars a day to from ten to twenty dollars per day. So I think that if my friend intended to indulge in a fling at the Democratic economic and industrial views or policy he chose a very inopportune occasion for the purpose of indulging in his favorite pastime.

Mr. SMITH of Michigan. Mr. President, of course I do not want to interrupt the Senator from Maryland—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. FRANCE. I yield to the Senator.

Mr. SMITH of Michigan. I intend to interrupt the Senator from Maryland but for a moment.

The Senator from Utah [Mr. KING] has not closely followed the speech of the Senator from Maryland. The Senator from Maryland was dealing with the riots and the famine and the hunger and the distress antedating our entrance into the European war and antedating that war itself. He was talking about the situation in 1913 and 1914. It was to that situation that I addressed my remarks.

I am well aware that war conditions have surrounded this country with a protection greater than even I would be willing to extend, but that will go down in a night. When it has gone down the American business man wants to know what the policies of his Government will be. It is that uncertainty that we face to-day.

Mr. KING. Mr. President, will the Senator from Michigan yield right there?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. I am intruding upon the Senator from Maryland, and I do not want to do that.

Mr. FRANCE. I yield to the Senator from Utah.

Mr. KING. If the Senator from Michigan means by his last statement and the preceding ones to indicate that whenever Republicans are in power there is no uncertainty and that business men are entirely satisfied, he ought to be entirely gratified now, for the Republicans won the last election. They will have the House and the Senate, and therefore the business men can be assured of the character of legislation which they desire.

Mr. SMITH of Michigan. Unfortunately, however, we have got to wait a couple of years for the Presidency, but so far as we have been able to go we have made very great progress. In fact, it is rather remarkable progress, and I am only too happy to be assured in this place formally by the distinguished Senator from Utah, for whom I have very high respect, and with whom I have served at both ends of this Capitol, that we are to have a Republican Senate after the 4th of March and a Republican House; but neither House nor Senate can make the laws alone. If on the 6th of November last a President in harmony with the new Congress had been chosen, the uncertainty would have disappeared; and I repeat that the periods alluded to by the Senator from Maryland where there were hunger and idleness and want were periods of Democratic ascendancy, when we were laboring under their laws, and they brought ruin, as they have always brought ruin, and they lowered the credit of the Republic, and they discouraged initiative in business.

That is the plain, blunt truth about it, and I hope it does not offend my very sensitive, very able, and very patriotic friend from Utah to hear me say it.

Mr. FRANCE. Of course, I was not attempting to pronounce any eulogy upon the work of the distinguished Senator from

Michigan. If I had wished to do so, it would have taken me a much longer period than I feel I can avail myself of at this moment to express my very high regard for him as a legislator who understands and who regards in his work fundamental economic laws.

Mr. President, I do not desire at this time to enter into any discussion of the general question whether employment bureaus do or do not always meet a serious situation; but I shall before I finish my remarks upon this general subject discuss the present employment bureaus and whether they are meeting the situation, and I shall express some views, of course, as to how the amendments I propose, if enacted into law, would give us definite and accurate scientific data with reference to unemployment. I am merely saying at this time that we are informed by the wisdom, not only of theoretical students of government but by the wisdom of this very legislative body and of other legislative bodies throughout the country—referring, of course, to State legislative bodies—that it is very important for us as legislators to deal with unemployment, and hence to know how many unemployed men there are in the United States, particularly under such conditions as those which the Senator from Utah has described, I think, fairly and accurately—conditions which are entirely different from the conditions which prevailed in 1913 and 1914, which, in my judgment, were as serious as the conditions now, although due to wholly different causes, and I believe to the causes which have been referred to by the Senator from Michigan. However, the fact remains that we should know the number of unemployed at any given time, but that we have not at hand any adequate means by which we can ascertain the number of unemployed.

In 1913 and 1914 conditions were very serious in the city of New York. In order to ascertain how serious they were use was made of an agency called the Association for Improving the Condition of the Poor. I am referring to a monograph on the subject of unemployment published by the American Labor Legislation Review. That association estimated on February 2, 1914, that on any given day during the winter of 1913-14 there were 325,000 unemployed men in New York. Quoting from this article, it says:

But while relief agencies struggle with their problems of emergency relief, we do not forget that serious irregularity of employment is not temporary in America. It is continually one of our most wasteful industrial evils.

The United States census for 1900 showed that 6,468,964 working people, or nearly 25 per cent of all engaged in gainful occupations, had been unemployed some time during the year.

Of these, 3,177,753 lost from one to three months each, representing, on the basis of \$10 a week, a loss in wages approximating \$200,000,000; 2,554,925 lost from four to six months' work each, representing a wage loss of approximately \$500,000,000; and 736,286 lost from 7 to 12 months' work each, representing a wage loss of approximately \$300,000,000.

Thus approximately \$1,000,000,000 was lost in wages in the year.

On this subject the census statistics are very unsatisfactory, but they are the figures gathered and published at great expense by the United States Government.

Mr. President, I could multiply quotations and pile up figures almost indefinitely which would prove to any man of open mind that the unemployment problem in this country is a most serious problem, but one the magnitude of which we do not know, because we have no agency by which the figures concerning unemployment are made available for the men who must legislate upon this great subject.

I care not now to discuss the character of the legislation necessary to correct an evil such as the unemployment evil; but surely when unemployment becomes widespread there is a cause, a removable cause, and there is a remedy necessary. At times it may be a high tariff and at other times there may be some other remedy which is needed; but when the situation exists it demands a remedy. The remedy, however, can not be applied until we know exactly the extent, the gravity, and the nature of the disease or difficulty which is to be met by the remedy.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McKellar in the chair). Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. Certainly.

Mr. KING. I have not had the pleasure of hearing all of the remarks of the Senator, but those that I have heard have been exceedingly interesting and instructive. As I understand, the Senator is not now addressing himself to the causes of social and industrial unrest and is not pointing out remedies therefor; but, as I gather from his remarks, he is seeking to amend the bill under discussion so that the Government can ascertain the number of persons at a given time, and at all times, for that matter, who are out of employment and the character of work they are most fitted to perform.

Mr. FRANCE. The Senator from Utah is perfectly correct in his conclusion. My amendment, in a word, provides for a

continuous survey of the population at all times, with a continual gathering of vital and social statistics, with card catalogue records, in order that there may be available the data concerning our population upon which we may base scientifically drawn legislation, data without which I believe precision of legislative action is absolutely impossible.

Mr. KING. I think we must all agree with the Senator. The Senator will remember that the science of statistics was developed by the French perhaps a century ago, and has been amplified materially since then; and there is much reason for the contention so earnestly made by publicists and learned legislators that there can be no comprehensive and scientific legislation without a knowledge of statistics, without full and complete data relating to the subject, including cognate matters. My present view is that it would be a proper thing for this Government to have a permanent bureau or department that would collect the statistics to which the Senator refers. With the changes which the future will produce in our industrial and economic conditions it will become more and more necessary that we shall have scientific data and full and complete statistics upon all questions affecting or relating to our social structure. The social organism will necessarily become more complex. It is the law of evolution. Progress exhibits itself in a change from the simple to the complex, from the homogeneous to the heterogeneous. So while fundamental principles do not change, the variations in the social structure will call for a proper adaptation of the principles to the changed conditions.

Mr. FRANCE. Mr. President, I thought the Senator and myself would be found to be in agreement upon that general subject. I am very sorry that the Senator was necessarily out of the Chamber at the moment when I was also saying—and I wish I might impress this upon the mind of every Senator—that to-day we are collecting all of the statistics and we are making inquiries covering all these subjects, but we are doing it in an inefficient way, and the results are such that they are of practically no value. When I say that we are doing this work I refer to the agencies, Federal and State, without reference to the distribution of their activities; and that is the important thing to be remembered, that this does not provide for anything new. It provides for doing the old thing in a new way. I must admit that the cost to the Federal Government will be greater, but the local governments will be by so much relieved, and the aggregate cost of collecting all of these various statistics will be much less after we have substituted a uniformity throughout the process and after we have done away with the multiplicity of agencies which are now collecting these figures in such a way that they are of practically no social value.

I desire to read into the RECORD just at this time one more quotation from the American Labor Legislation Review unemployment survey of 1914 and 1915. In this connection I would call your attention to the fact that this survey was made after the census of 1910 by a private or a local agency, showing that the statistics which were collected under the census of 1910 were either wholly inadequate or they were so old as to be of no value; and I would say that the fathers, even going back to the early days of the Republic, discovered that the whole difficulty with the census was—and I will refer to that when I begin my discussion of the history of the census, which I will make as brief as consistent with clarity—that by the time its results were published the statistics were too old to be of any value; that is to say, so far as statistics of this character are concerned. They were of value so far as the primary object, the enumeration of the people, was concerned:

In New York the mayor's committee on unemployment, using employers' pay rolls—

Another weak stick upon which we have had to lean—

calculated that in the whole city there were about 200,000 fewer persons employed in December, 1914, than in December, 1913. To many this figure seemed excessive, and the subsequent discussion led to a more systematic inquiry by the Metropolitan Life Insurance Co. Through its agents this company, in the latter part of January, canvassed its industrial policyholders in Greater New York, and finding that 18 per cent of all wage earners in the families visited were out of work, figured that 18 per cent, or 442,000, of all New York's wage earners were unemployed.

Mr. President, I could go on, as I say, and multiply statements and pile up figures to show that we have no adequate method at present for the ascertainment of the number of unemployed. I could take up the same line of discussion with reference to many other subjects in these schedules. I might, for example, take up the subject of health, and we would find a similar condition. We are trying to solve these problems of health without knowing what they are. I hold in my hand a very interesting monograph, for example, upon the mortality from respiratory diseases in the dusty trades—quite an im-

portant subject—and if I desired at this time to go into it, I think I could prove to you without any question that we know practically nothing definite about the number of men employed in the dangerous and dusty trades. It is quite alarming to realize that there are something like 3,200,000 of them in the United States. Probably that is a fairly good guess. It was founded upon the figures given by one of the great insurance companies, and it is a very startling estimate. I think it is an approximate one, but I do not think the number has been underestimated.

Mr. KING. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. With pleasure.

Mr. KING. I should like to say to the Senator that some of the matters to which he has just referred have received attention at the hands of some of the departments and bureaus. The Bureau of Mines, for instance, has given some attention to mining operations, and particularly to those mines in which dust is generated, and some of the States have compiled statistics relating to various occupations and occupational diseases and other matters embraced within the amendment offered by the Senator.

Mr. FRANCE. I thank the Senator for calling the attention of the Senate to that fact, of which I am aware—a fact which further emphasizes the very contention which I am making, that these figures are being gathered to-day by a multiplicity of agencies, but these agencies are so scattered and their data after being collected are so unsystematically arranged that the results are not practically available.

Mr. President, I can scarcely hope to make a perfectly orderly and logical presentation of this subject, because it is really so vast that one becomes almost lost in it, and therefore I am not attempting to make any finished address upon this subject. I am simply, in a very informal way, trying to start a discussion upon this most important subject; and, in view of the informality of my remarks, I desire to recur for a moment to this subject of unemployment, as we have to deal with it, particularly in this reconstruction period. Referring to that subject, I desire to say this, and I shall refer to it again, as I have also referred to it before.

For the reconstruction period I think it would be fair to consider that there are two functions of government which must be as fully as possible exercised. One of those is protection by maintained order and the other is production. Referring to the interchange between the Senator from Utah and the Senator from Michigan, I will say that our two political parties have always differed upon this subject as to the importance of national production so far as the national wealth is concerned. The Republican Party has always sought to encourage production. I feel that for the purposes of reconstruction we may consider the Government as a great business, so to speak, every adult citizen of which may be considered to be a worker capable of producing something to be added to the national wealth. The thing that has not been sufficiently recognized is that the disturbances which we see to-day all over the world, the revolutions which are occurring, have an explanation. There is a definite explanation for the fact that to-day in Europe and in Asia, taking certain territories together, there are more than 300,000,000 of people without responsible governments, speaking, of course, in a general way; more than 300,000,000 of people in a state of revolution.

Now, there is a reason, and, in a general way, I think we may say that this is the cause of the unrest and of the revolution. I have not changed my views on this subject. I said many months ago in this Chamber that I would not be surprised to see the war end in revolutions. It was only a question of time. You can not continue to draw indefinitely men and women from productive lines of activity and put them into destructive lines of work without ultimately having revolution, because the time is certain to come when an underproduction of the necessities and commodities of life will reach the point where men will no longer be satisfied, and then the wild, elemental passions which know no law break forth and men overthrow their government. So that, in a general way, the causes for the disturbance in Europe to-day are these: The underproduction of the various commodities and necessities of life, particularly food, and, of course, the faulty distribution of those articles which have been produced; but, in a general way, it is safe to say that the peoples of the world to-day are discontented and stirred with a profound unrest because there has been such an underproduction of the commodities and the necessities of life.

Mr. President, I wish I could make every man feel as I do about this, because if all felt as I do about it they would real-

ize, as I do, the necessity for consummating a peace as soon as possible. I want to see a peace established which shall be as permanent as may be. I am in agreement with the ideals expressed by the President when he looks forward to the time when peace shall dwell in all parts of the earth and when men may devote themselves wholly to productive rather than at times giving themselves over to destructive activity.

If we look at the fundamental causes of unrest and revolution and agree that they are due to the underproduction of the commodities and necessities of life, it must appear that it is most urgent that the millions of men in the armies and not now productively employed be returned at once to productive lines of work in order that this great fundamental cause of world unrest, the underproduction of the necessities and commodities of life, may be promptly removed. That is what disturbs me with reference to the undue prolongation of the peace conference—this scarcity in the world of those commodities which must be had in an increased amount if men are to be kept orderly, and if they are to be kept satisfied with their governments.

I can not express to you how important I feel it is that these millions of men be sent home and helped as soon as possible, and without the loss of time to which the Senator from Utah has referred, into the various productive lines of work. There never was a time when every unit of man power was so needed for the production of useful commodities and necessities; and that is one reason why I am pleading for scientifically organized agencies which will pick up the man as soon as he returns home, and in some way assist him to find some productive line of work. The resolution which I introduced here yesterday, urging speed in the making of peace in order that production may be resumed as speedily as possible, expresses my views upon that general subject.

Mr. KING. Mr. President, will the Senator yield for just a moment?

Mr. FRANCE. I yield, with pleasure.

Mr. KING. When the Senator attributes the social unrest now existing, and which has existed for some time, exclusively to the fact of underproduction, as he has denominated it, in foodstuffs and in the necessities of life, I think he states the question in rather an extreme way. There are individuals in this country belonging to the I. W. W. organization whose struggle is against production. They denounce the wage system and seek the destruction of all government and orderly processes that would make for production, peace, and prosperity. They are satisfied with no wage, no matter how high. If they demand and receive \$10 to-day, they decree a strike to-morrow. If their further demands are granted, they strike again. If agreements are entered into between them and their employer, they regard them as of no binding force, and they keep on striking, hoping in time to destroy the entire wage system. Indeed, their purpose is to destroy the form of government under which we are living.

Those who belong to the I. W. W. organization would continue their destructive work no matter what wages were paid them or how abundant were the products of field and factory and farm or how great was the prosperity in the land. Indeed, the greater the prosperity the more vindictive would be their assaults upon the Government and the social and economic system.

The same is true of the followers of Lenine and Trotsky. It is a class war that they are waging. They want to destroy the bourgeoisie; they want to destroy everybody who does not belong to what they denominate the proletarian class. They will destroy by murder and by assassination and by starvation in order to consummate their devilish and hellish purposes. Already in Petrograd, and in the area of territory controlled by Lenine and Trotsky, they have announced the rule, and they are enforcing it with severity, that the soldiers shall get all the food they want. If there is any not required by the soldiers, who are hired mercenaries, employed to kill and destroy, then those supposed to be supporters of Bolshevism are cared for; but the middle class, the commercial class, the intellectual class, are being deliberately exterminated, either through starvation or by assassination. They are going to enforce class rule, even if in order to effectuate that they are compelled to destroy all other classes.

Mr. FRANCE. Mr. President, so far as the I. W. W.'s in this country may be concerned, I feel that they are in a small minority, although I do feel that there has been much false economic doctrine taught, and I am sorry to say that some of it has been taught by certain of the labor-union leaders.

Mr. WILLIAMS. Mr. President, will the Senator pardon me for an interruption?

Mr. FRANCE. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I just heard the Senator say that much of the doctrine had been taught by labor-union leaders. I do not remember that any labor-union leader ever taught any bolshevism or ever taught any I. W. W. doctrine; and if the Senator remembers the name of any labor-union leader who ever did teach any of it, I should like to have him mention it.

Mr. FRANCE. The Senator from Mississippi has misconstrued by remarks.

Mr. WILLIAMS. Because I remember distinctly that Mr. Gompers, and I remember that the balance of the people who are at the head of the labor unions in America, have taught the opposite doctrine, and have not joined in the anarchism and nihilism and the Bolshevism to which the Senator from Utah a moment ago referred.

Mr. FRANCE. I agree with the Senator on that. He misunderstood me. What I meant to say was this, and I think the Senator will admit that it is true: The labor-union leaders have taught the doctrine that high nominal wages are always desirable, and that high wages can be secured by a limitation of output, generally speaking; whereas the fact of the matter is that what ameliorates the condition of the laboring people is the production of a large amount of national wealth, and therefore a laboring man is often better off, more comfortable, more contented, more prosperous when he is getting \$4 a day than when he is getting \$10 a day, for it is not the nominal wage which must be considered; it is the real wage; for what will determine whether a man shall live in comfort or in discomfort is the purchasing power at the time of his dollar. One of the labor-union men recently said that the unions would not consent to any reduction of wages. I wish that such would realize that if we could properly organize the country for production and increase our production up to a certain point, labor's share in the production pile, as I call it, or in what is produced, would be larger, regardless of what the particular money wage is at that time.

The I. W. W. man of course is animated by several motives. Personally I am inclined to be charitable and believe that many of the I. W. W.'s are the unfortunate victims of a system which perhaps has not given them any full opportunity to prepare for the battle of life. Many of them have come from oppressed countries, such as Russia, where a man was practically a slave and where to him government for centuries has represented a cruel and relentless master. We must take all those things into consideration, even in passing judgment upon the I. W. W.'s. So far as the Bolsheviki of Russia are concerned, I think it is unfair to them for us to forget what government has meant to them in the past.

[At this point Mr. FRANCE yielded the floor for the day.]

Thursday, January 16, 1919.

Mr. FRANCE. Mr. President, I desire to continue the preliminary remarks which I was making upon yesterday, when the Senate took a recess, upon the amendments which I have offered to the census bill, which amendments I consider to be a part of what should be a national reconstruction program; and of course the national reconstruction program is a part of that great program of world reconstruction upon which we are about to enter, and upon which the sooner we do enter the better it will be not only for our own Nation, but for the world.

I said on yesterday, if I may be permitted to give a brief summary of my remarks, that in considering the reconstruction program it would be necessary for us at the outset to distinguish between those functions which should popularly be performed by Government and those functions the performance of which does not inhere at all in Government, many of which latter functions, Mr. President, I believe the Government has, through a mistaken policy, assumed during the present, now passing, emergency.

I called attention to the fact that I, personally, was not satisfied with conditions as they exist in the country to-day, but I attempted to give expression to my conviction that the unsatisfactory conditions which exist to-day in this country do not exist because of any defect in our governmental form. They do not exist because the Government has not assumed enough functions. It has, in my judgment, assumed too many. These evil conditions exist because the Government has not been properly performing those functions which do properly inhere in it.

I took the liberty, Mr. President, for purposes of my discussion, to refer to certain functions which I believe do inhere properly in government, functions which we have, by past legislation and by past national doctrine, incorporated into law and into practice, and called upon the Government to perform. I think there was very little dissension from my view on yesterday.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Maryland yield to the Senator from Iowa?

Mr. FRANCE. I yield.

Mr. KENYON. I do not like to interrupt the Senator, as I know he is very anxious to conclude his remarks.

Mr. FRANCE. I am very glad to be interrupted by the Senator.

Mr. KENYON. I would like to ask the Senator if he discussed on yesterday in connection with this reconstruction work any plan of legislation for labor during this reconstruction period?

Mr. FRANCE. Yes. I will say to the Senator that I referred to that subject. In fact, I will say that in a general way the whole object of my remarks and the purpose of the amendments which I have offered are directed to a serious economic situation which does now exist in this country, and which will exist in a more aggravated degree very shortly as a result of readjustment necessary in passing from war to peace conditions.

Mr. President, I took the position yesterday that the first step in reconstruction was to take the Government out of business and out of business deals and to strip it from the obligations of performing a mass of nongovernmental functions in order that it might be free to go powerfully, resistlessly, and efficiently ahead in the performance of those legitimate functions of government which it has not been efficiently performing and as a result of the failure to perform which intolerable conditions have grown up in this country, conditions which are not satisfactory to me nor to the masses of our people.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I yield.

Mr. KING. I suppose the Senator, in the comprehensive statement just made, is referring to the control by the Government of the railroads, telephones, telegraphs, and cables?

Mr. FRANCE. Particularly.

Mr. KING. And shipping interests?

Mr. FRANCE. Particularly.

Mr. KING. The control of which during the war the Senator, as I understand, would justify, but in peace times deems intolerable?

Mr. FRANCE. I must say that while the Senator has interpreted my remarks in the main correctly, I have not shared the opinion that it was necessary for the Government to assume those nongovernmental functions even during war. That, however, happens to be a very large question, as to the wisdom or the necessity of such an assumption during the war of those functions.

Mr. KING. But at any rate in peace the Senator plants himself upon the proposition that it is not a governmental function to take over railroads and to own and operate them, to take over telegraphs and telephones and cables and own and operate them; that governmental control and operation makes progressively for inefficiency, for extravagance, and for waste. Is that the position the Senator takes?

Mr. FRANCE. The Senator has stated my position very clearly and I appreciate his statement. That is my view. In fact, Mr. President, I even question the right of Government to assume to do the thinking for its people. That is one of the nongovernmental functions which this great Republic has attempted to assume in this great emergency. I would strip from this Republic those deterring and intolerable barnacles which we have allowed to accumulate upon her hull—such, for example, as the duplicity bureau, so-called the Publicity Bureau.

The citizens of this Republic are not accustomed to a government; they are not mental nurslings needing censored and predigested news. I said the other day in my discussion upon the espionage question that I could go out into the country—and the Senator from Missouri [Mr. REED] is looking at me very reproachfully because he realizes that when I say this I am borrowing a statement from him; I did not recall, however, until I saw that reproachful look upon his countenance, that I was doing it—that I could go out in the country, in Maryland, or in Virginia, and pick up in a short time dozens of men as competent to pass upon the Russian question as some of the men who are suppressing news which we should be receiving from Russia.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Will the Senator from Maryland yield to the Senator from Missouri?

Mr. FRANCE. The Senator from Missouri did not perhaps use these very words but this was his thought expressed in the remarks to which I refer. I yield, Mr. President.

Mr. REED. Of course the Senator spoke in jest when he said I was looking at him reproachfully. The Senator might not know it, but I was looking at the Senator with approval because he was talking some good plain common sense that he did not get from me, but which he got from his own head. I agree with him fully.

Mr. FRANCE. I know the great Senator from Missouri, who differs with me in politics, is one of the men who has not lost faith in this Republic and in the patriotism and loyalty of our people under all circumstances.

Mr. REED. I go further than the Senator, perhaps being more specific. I do not think there is a newspaper reporter in Washington who would not have made a better censor than Mr. Creel. I will go further than that and say I do not think there is any man in the United States who is permitted to be at large who would not have made a better censor than Mr. Creel.

Mr. KING. Will the Senator yield?

Mr. FRANCE. I yield with pleasure.

Mr. KING. I want to submit to him, and to the Senator from Missouri, if the Senator from Maryland and the Senator from Missouri are not rather cruel to Mr. Creel. He has frequently been criticized in this Chamber, and there has not been a single Senator who has defended him; apparently all of the criticisms were approved by the Senate. It would seem to me that perhaps the time has come when we might lay a wreath upon the official (?) grave of Mr. Creel.

Mr. FRANCE. I hope the time has arrived, not because he is Mr. Creel. I know nothing about Mr. Creel or of his efficiency or inefficiency. But there is no such thing as a good censor, and there is no such thing as good censorship. I have always made it a practice to speak not against persons but against policies. Words fail me to describe my contempt for that policy of censorship which has been adopted during this emergency, my views upon that subject having been expressed in my remarks the other day upon the subject of the repeal of the espionage law.

Yes, I would cut away with an ax, as I said yesterday, all of these bureaus which have grown up here and which are impeding the proper progress by the Government in its legitimate work.

Mr. President, I took occasion yesterday to warn the liberal thinking men of this country to take notice of this intolerable situation which has grown up because of the assumption by the Government of many nongovernmental functions, by the doing of which the Central Government has also built up a tremendous machine which, should it ever fall into the hands of not only reactionaries but destructionists, could be used to prevent all progress in this Republic and place her back among those nations which have represented the most reactionary and despotic governments of the world. I wish that all of the liberals would stand warned by what has happened since the seizure by the Government illegally—and I have not forgotten the decision by a United States judge to the contrary, either—of the telegraphs, telephones, and cables.

I have respect for courts, but I want to say when courts can hold such an action as that legal and when they can hold that an espionage law such as was enacted is constitutional, that I part, in judgment, company with the courts.

Mr. KING. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. Yes.

Mr. KING. Mr. President, I think the Senator is administering an undeserved rebuke to the courts. I think that if anyone is to be criticized or anybody or functionaries are to be criticized it should be the Congress of the United States. The Congress of the United States enacted a law which under certain circumstances authorized the taking over of the telegraph, telephone, and cable lines. The court to which the Senator refers merely decided that it was a legislative question rather than a judicial question, that the court could not put itself into the position of the legislature and determine whether or not a question of policy was wise or unwise; that that was a function for the legislative branch of the Government. This position finds support in the political system which we inherited from England. The principle is as old as the English law. It is a part of the Anglo-Saxon institutions.

Now, the Senator may properly criticize the National Legislature for giving that power to the Executive; he may think—as many others do—that the policy was wrong; but he ought not to criticize the courts when they properly uphold the hands of the legislative branch of the Government. The Supreme Court has been criticized for some of its decisions, notably the one holding that the child-labor law was unconstitutional.

Critics have said that the Supreme Court of the United States ought to have taken the judgment of the legislative branch of the Government; that there are three coordinative branches of the Government; that the legislature determines the policy and the Supreme Court merely construes the law. I think the decision of the Supreme Court upon that question was right. I am inclined to think that the decision of Judge Hand upon the cable question was right. I am inclined to think the Senator's criticism, if it were leveled against Congress, would be entirely justified.

Mr. FRANCE. In reply to the Senator, I will say that I realize the force of his statement, and I know that he will be the first to acquit me of belonging to that class the members of which believe that the enactment of the legislation should always be the final act. I believe in reviews by the court. I have ever entertained the highest admiration for the decisions of the Supreme Court. I am not condemning the Federal judge who made that ruling, mistaken though I think he was. But I do want to say this: The Senator from Utah is a candid man, an honest man and a fearless man. He knows as well as I do that during the period of this war the legislative department of this Government abdicated in favor of the executive, and our orders were received from the executive department and obeyed.

If the Senator wants to question that I will refer him to what I referred to the other day, the vote taken by the Senate on an amendment to the espionage law. The amendment provided that even after the enactment of that law the people of the United States should have the right to speak "what is true, from good motives and for justifiable ends." The Senator from Montana [Mr. WALSH], one of the ablest constitutional lawyers and one of the best legal minds in this body, rose and called my attention to the fact, of which I was well aware, that the language of that amendment was similar to that of the constitutions of many States, and he said that there was no possible objection to the amendment, and the amendment was adopted by the Senate. But what happened? The bill went to conference, and by order from the executive department the amendment was stricken out, and by an order of the executive department and a subordinate in that department the Senate of the United States also reversed itself and refused to keep in the law this clause assuring the American people the right to discuss not affairs belonging to Washington, not affairs belonging to the administration, but their own governmental affairs, denying them the very right to speak the truth from good motives and for justifiable ends.

I want to say that my feeling toward this decision of the court has arisen from a haunting fear which disturbs me, that as the legislative department of this Government has abdicated and subserviently followed the directions of the executive, so also might the court become subservient and—after thoughtlessly applauding and approving addresses delivered at the joint sessions of the Congress outlining great policies, the determination of the wisdom and the constitutionality of which might involve the most careful and prolonged consideration by the court—also yield its judgment. A haunting fear, I say, has come to me that perhaps, as the legislative body abdicated, so might the judicial. The able lawyer, the distinguished Senator from Utah [Mr. KING], knows as well as I do that when the legislative body shall have abdicated and when the judicial body shall have abdicated the end has come, that the Republic has been utterly destroyed, and that, in place of a free Government here upon the Western Hemisphere a despotism has been built up as absolute as was that of Nicholas Romanoff, because the fathers all understood that the consolidation of these three powers, legislative, executive, and judicial, in any way in one would result in tyranny and despotism.

Mr. KING. Will the Senator from Maryland yield to me?

Mr. FRANCE. I yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from Maryland has made a very impassioned defense of personal liberty and of the rights of the individual against the aggressions of the Government. In his eloquent statement respecting those questions I am in hearty accord with him. I believe that a bureaucracy may become as oppressive and tyrannous as an imperial form of government. There is no question but that there is a tendency in this Republic toward a bureaucracy.

Mr. SMITH of Michigan. We have got it here now.

Mr. KING. Indeed, I regret to say, it is encouraged by the people. The people of the States when they see an evil existing which is purely local and intrastate in character immediately rush to Washington and, upon bended knees and with uplifted hands, ask for Federal aid and for Federal interposition. I believe that there is a subsidence of that strong feeling on the part of the people which has developed and maintained local self-government, and which sought to preserve the rights and

prerogatives of the States, the sovereignty of the States, and that we are yielding to the Federal Government powers which belong to the States.

The fault is largely with the people. There is not sufficient study of the science of government and of the struggles of peoples of the past to secure liberty. Our Constitution, to many, is as a sealed book, and appeals to its provisions for protection against an abuse of power and the assertion of policies destructive of a representative form of government too often fall upon deaf ears and provoke irritation upon the part of many of the people. There is an inclination to forget that there can be no true progress that is not founded upon the growth and development of the individual. Perhaps there are exceptions, and yet I make bold to assert that one of the infallible evidences of national decay among a people who have enjoyed liberty is the persistent and progressive disinclination to assert and maintain a vigorous individualism and a virile and vibrant local self-government and a willingness, indeed a purpose, to relinquish into the hands of bureaucrats, or a powerful centralized government, the control of all matters—individual, local, and domestic. Our Government is one of checks and balances. If these are disregarded, confusion is inevitable, and in the end a change in the form of government must result. The congestion of power in the hands of a few means that the people, who are the source of power, have voluntarily or involuntarily been deprived of the same. I am insisting upon the maintenance of our form of government, the preservation by the States of the powers reserved to them in the Constitution. I protest against this constant aggrandizement by the Federal Government. The States are becoming enervated, supine, and lifeless. Vigorous States, powerful and progressive local political units, produce good government and operate as powerful citadels against the assaults of power and the tides of absolutism that in all ages, among all peoples, surge against humanity's interests.

But, if the Senator from Maryland will excuse me for so stating, I am inclined to think he has been rather ungenerous toward Congress, toward the Senate, of which he is so distinguished and brilliant a Member, in his wholesale charges of a complete abdication by the Senate and by the House of Representatives of the functions which rest upon them.

Mr. FRANCE. If the Senator from Utah will permit me to interrupt him, I desire to ask does he recall that I used the word "complete"?

Mr. KING. I understood the Senator to say "complete abdication."

Mr. FRANCE. I said "abdication." "Abdication" may be either partial or complete. I do not recall that I used the word "complete."

Mr. SMITH of Michigan. I am sorry the Senator from Maryland did not use it.

Mr. KING. Well, the Senator from Michigan supplements the statement of the distinguished Senator from Maryland, and the Senator from Michigan assumes the responsibility now of saying that there has been a complete abdication by the Senate of the legislative functions and powers which devolve upon it.

Mr. SMITH of Michigan. That is a large question, and I do not know that I would allow the Senator from Utah to state my judgment about it.

Mr. KING. I understood the Senator from Michigan to use the word "complete" and to express regret that the Senator from Maryland did not use the word "complete."

Mr. SMITH of Michigan. There is within the sound of my voice a Senator who for weeks, upon the other side of the Chamber, begged us to withhold these powers, and all around this Chamber he was criticized for doing so. We at least went a good way, I will say to the Senator from Utah, in abdicating the appropriate constitutional functions of Congress.

Mr. KING. Mr. President—

Mr. FRANCE. Will the Senator from Utah yield to me?

Mr. KING. Of course, I must yield whenever the Senator from Maryland desires me to do so, because I am trespassing upon his time.

Mr. FRANCE. I do not wish to interrupt the trend of thought of the Senator from Utah, but in that connection I think it is only fair for him to consider this proposition: That, after all, the essential question is not whether the abdication was complete, but whether there was any abdication, for abdications or assumptions of power are never complete at the beginning. The essential question is, Has there been any abdication?

Mr. SMITH of Michigan. We were told on the other side of the Chamber that the Constitution was for the time being nullified.

Mr. FRANCE. That doctrine was taught.

Mr. KENYON. And also on this side.

Mr. SMITH of Michigan. Yes; and also on this side.

Mr. FRANCE. The Senator from Utah is making most interesting remarks, and I will say that I have no controversy with him; we may have a difference of opinion, but I know that his views and mine, in a large way, are quite similar upon this constitutional question, and I desire him to discuss the very question as to whether, after all, the completeness or incompleteness of abdication is the essential thing. Is not any abdication almost as bad as complete abdication—although I did not use the word "complete"?

Mr. KING. Mr. President, perhaps I put into the mouth of the distinguished Senator from Maryland a word which he did not use. I interpreted his remarks, however, as being a denunciation of the Senate because they had completely abdicated their function; but I understand him now not to make that contention.

Mr. FRANCE. I hope the Senator from Utah will not take such an unfair advantage of me as to say that I was denouncing the Senate. I was not doing anything of the kind.

Mr. KING. Mr. President, if the Senator will allow me—

Mr. FRANCE. I was criticizing the Senate. I know that men with the very best motives, and men for whom I feel the deepest affection, said that in such an emergency it was better to have but one mind.

Mr. KING. I did not use the word "denunciation" in an offensive way at all.

Mr. FRANCE. I hope not.

Mr. KING. I intended it as the equivalent of the word "criticism." I think if the Senate has abdicated any of its powers it certainly should be subjected not only to criticism but to denunciation, because I agree with the distinguished Senator that if the tripartite division of powers which characterize this Republic shall be broken down and one coordinate branch of the Government encroaches upon the functions and powers of the other, serious consequences must inevitably result, and if the destructive course is persisted in, ultimately the Government would be changed in form or it would be overthrown.

Mr. FRANCE. Now, will the Senator from Utah yield for one definite question?

Mr. KING. Certainly.

Mr. SMITH of Michigan. The Senator from Maryland has the floor.

Mr. FRANCE. I mean may I interrupt him, because I have the floor, as the Senator well understands.

Mr. KING. Certainly; and that was stated.

Mr. FRANCE. When the Senate, after several days of consideration—because when my so-called "speaking the truth" amendment was first rejected. It was rejected without mature consideration, and when the Senate several days later, after what should have been a period of deliberation, although during all of the intervening time the subject was not under formal consideration—reached a mature conclusion, without a dissenting vote, that there should be, for the protection of the people of the United States, written into the espionage law a clause guaranteeing to the people the right to speak the truth from good motives and for justifiable ends—when the Senate reached the conclusion that this was a proper safeguarding of the people's rights, one guaranteed in the constitutions of a large number of the States, was it or was it not an abdication of its judgment and of its proper deliberative and legislative functions when a subordinate in the Department of Justice wrote a letter saying that this amendment would make prosecutions difficult, and when the Senate, upon hearing that letter, reversed itself in spite of the efforts which were made by the Republican Party—and I wish to tell the country and the liberals of the country that it was almost by a party vote—when the Senate reversed itself and followed the judgment of that subordinate of the Department of Justice, was or was not that an abdication of its deliberative and legislative functions and of its judgment in favor of the judgment of a member of one of the executive departments?

Mr. KING. Mr. President, I do not think that the distinguished Senator has stated the situation in a fair and candid manner. The Senator seems to labor under the impression that to receive any suggestion from the executive branch of the Government is an encroachment upon the rights of the legislative branch. That obviously is incorrect, because often we seek the opinion of the executive branches of the Government with respect to matters coming properly under their cognizance; indeed, very much of the legislation which is enacted here is initiated—if I may be permitted the expression—by the executive branch of the Government. In the administration of the law officials and departments find imperfections, loopholes, weaknesses, and it is their duty obviously to challenge the attention of the legislative branch of the Government to those imperfections with a view to having them corrected. Accordingly,

we are constantly asking the departments for suggestions, for advice, for their views respecting contemplated legislation. The legal department of the Government frequently prepares bills which Congress desires and some of which the executive department in the proper administration of its duties find are necessary in order to meet the exigencies of the hour.

Mr. FRANCE. May I interrupt the Senator at that point?

Mr. KING. Of course I must yield.

Mr. FRANCE. I wish to ask the Senator if he wishes to be put in the position of making no distinction between our asking advice before our action and our reversal of an action reached unanimously after orders have been issued or advice given?

Mr. KING. Of course there is a distinction; but I am somewhat familiar with the incident to which the Senator refers and I do not think, as I said a moment ago, that the Senator fully portrays the facts in the case. The facts in brief are these, if the Senator will pardon me—and I say again I am trespassing upon his time—

Mr. FRANCE. I have recited the facts. I am not responsible for the Senator's conclusions, but I substantially recited the facts.

Mr. KING. There is some little inexactitude in the recitation which has just been given by the Senator.

Mr. FRANCE. Well, the Senator will certainly acquit me of any deliberate intention to misstate the facts. It is difficult to remember all the details.

Mr. KING. Absolutely, because I know the Senator is incapable of making a willful misstatement of facts, or of conclusions, for that matter; but the facts in brief are these: We found when we were plunged into war that laws were necessary to deal with a number of important questions. It became necessary to place embargoes upon certain products, to provide punishment for spies and those engaging in treasonable undertakings and in transmitting information to the enemy. Another important question which needed attention was the question of publishing in this country matter that was prejudicial to the progress of the war, the publishing of seditious and revolutionary matter that would have prevented the execution of the draft law and the proper administration of laws enacted to prepare this country for the great struggle upon which it was entering. As a result of that situation the Department of Justice, at the request of Senators and Representatives, and doubtless at the request of the President of the United States as commander in chief of the Army, who was familiar with the situation and knew what the exigencies of the hour required, prepared a bill covering these subjects. It came in here as a criminal code dealing with most important questions. The bill passed and became a law. Later it was found necessary to amend certain provisions of the statute. In considering the measure to amend the original espionage act the Senator from Maryland offered the amendment to which he has referred. It was agreed to. Later the conference committee struck out the amendment and the Senate accepted their report.

While the bill was in conference the Attorney General, through his assistant, transmitted a letter to the Senator from North Carolina [Mr. OVERMAN], who had charge of the bill upon the floor, in which he indicated that if that amendment were to prevail in his opinion it would nullify important provisions of the law. The Senator from Maryland states that because of that letter, which was read and influenced Senators, they changed their opinions with respect to the amendment, and that that constituted an abdication upon the part of the Senate of its functions, resulting from the demands of the executive department. I deny that.

Mr. SMITH of Michigan. Well, let me give the Senator a concrete case.

Mr. KING. If the Senator from Michigan will pardon me, let me complete what I was about to say, and then, if the Senator from Maryland will permit, I shall be very glad to have the Senator from Michigan interrupt me.

Mr. SMITH of Michigan. I should like to give a concrete case showing where we were led off.

Mr. KING. In this particular case many Senators, lawyers among them, took the same view as the Assistant Attorney General; others took the view—and I was among that number—that the amendment as offered by the Senator from Maryland did not affect at all the interpretation which the courts would place upon the bill, and that his amendment was therefore unimportant. The Senator from Montana [Mr. WALSH], who voted for the amendment, submitted an argument showing that the amendment added nothing to the proposed law. Other Senators did believe that the amendment would embarrass the Government in prosecutions under the law and permit guilty persons, persons whose motives were sinister and criminal, to

escape punishment. In voting for the conference report I deny that Senators abdicated their judgment. Some of them, upon giving the matter further consideration, reached the conclusion that the amendment of the Senator would perhaps nullify the bill.

But coming now, specifically, to the charge of the Senator that there has been an abdication, in part at least, upon the part of the legislative branch of the Government in favor of the executive during the progress of the war, I want to invite the attention of the Senator to the fact that substantially all of the legislation relating to the war has been enacted by the unanimous vote of the Senate. There has been no controversy. Republican Senators and Democratic Senators believed that most of these great war measures—the draft law, the great measures that made for the building up of a fighting machine, the caring for our soldiers, and so on—were proper, whether they originated in the departments or whether they first found expression in the committees of either branch of Congress. I do not think it quite fair or just to say that Congress has abdicated its functions. I acquit Republican Senators who voted for these great war measures of an abdication of their legislative functions because they supported them. I think that the Senate and the House in this war, as the Senate and the House in other wars, have felt that we were compelled in time of war to enact legislation which we would not enact in time of peace; and we have relied more upon the suggestions of the Executive than in time of peace, because the Executive knew better than we, in many respects, the questions that needed legislative attention.

Mr. SMITH of Michigan. Mr. President—

Mr. FRANCE. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. The Senator from Utah [Mr. KING] has, of course, made a rather glowing defense of the rectitude of Congress; but much of the complimentary reference to this side of the Chamber is lost when I know that our supine acquiescence was not always the result of our judgment, and I think Senators on this side have held their noses when they voted for about nine-tenths of the legislation that the Executive has forced upon us.

Mr. KING. I think, if the Senator will pardon me, that I will defend the Republicans against his indictment of his own party. [Laughter.]

Mr. SMITH of Michigan. I think I would be a little suspicious if the Senator from Utah defended this side of the Chamber.

Mr. KING. I think I could do it, perhaps, with better grace now than the Senator from Michigan.

Mr. SMITH of Michigan. With better grace, but not more fact or knowledge. The Senator's grace I admit, and his ability to do it interestingly, of course, would be acknowledged; but I will take my part of the responsibility for having voted against my judgment scores of times, and I know that I do not stand alone in that.

Mr. KING. Mr. President, will the Senator pardon me a moment?

Mr. SMITH of Michigan. But when the Senator from Utah takes up a concrete case, I have one in my mind. The Constitution vests in Congress alone the right to declare war; and yet our entire fleet and our Army were headed for a neighboring state in this hemisphere absolutely upon the ipse dixit of the President of the United States, and we came along supinely, and perhaps patriotically, and ratified what he did. It only shows the growing tendency of the executive department to thrive upon what it feeds on; and, while I do not want to enter into any controversy about it now, I have a record that I am proud of in connection with the war. I am perhaps as radical a partisan as there is in this Chamber, and I have no apologies to make for it. I believe that about everything the Democratic Party has tried to do was wrong and that the country has paid the penalty for it, and that sooner or later the common sense of the American people will return to power the party that has made progress, given encouragement to our countrymen, protected our market places, and so forth.

Mr. FRANCE. Mr. President, the Senator from Michigan has not forgotten that this party has been voted into power, so far as the legislative branch is concerned?

Mr. SMITH of Michigan. Yes. But the dulcet tones that came from the lips of my friend from Utah yesterday were the only real encouragement that I have had recently that the Senate would be Republican after March 4. The Senator admitted yesterday that it would be, and I was glad, because I respect his judgment, and I think it is quite vital; but we are far from being in power. We can not make a law until we have some one at the other end of the Avenue in sympathy with the

congressional viewpoint, and for that we will have to wait two years—no longer, I hope.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I yield for a moment, although—

Mr. SMITH of Michigan. Wait just a moment. I thought the Senator yielded to me.

Mr. FRANCE. Yes; I have yielded to the Senator.

Mr. KING. I thought the Senator interrupted me.

Mr. SMITH of Michigan. Perhaps I did; and I want to be very courteous to my friend. I have served with him in both Houses of Congress, and there is no one for whom I have higher respect. I sympathize somewhat with his contention that we have maintained a fair degree of legislative independence; but if he is satisfied that we have lived up to the time-honored and historic principles of our predecessors, he is a long way from a sound base.

Now I yield to the Senator from Utah if I have anything to yield. I am afraid I have not.

Mr. KING. I ask the indulgence of the Senator from Maryland for a moment.

Mr. FRANCE. I yield.

Mr. KING. Of course, it is impossible, Mr. President, when I am interrupting the Senator from Maryland, to adequately reply to the Senator from Michigan, who has now drawn an indictment against the Democratic Party, not only during this Congress but in the past. I have not time to review the Mexican situation, which the Senator has dragged into the discussion. Regardless of what some may think upon that question, it is sufficient to say that the American people approved of the policy of Mr. Wilson in dealing with the Mexican question, and two years ago he and the Democratic Party were continued in power.

Mr. SMITH of Michigan. He did not accomplish anything down there. He spent \$200,000,000 in chasing a bandit, and the bandit is still doing business.

Mr. KING. Mr. President, there are many angles to that, and it would take a longer time than I have at my disposal now to reply to what the Senator has said; but I do concur in part with the Senator from Michigan and the Senator from Maryland. There has been a great tendency upon the part of the executive departments of the Government to override the legislative branch of the Government. A great President, a man whose untimely death we all deplore, and for whose memory we feel a profound respect, did not hesitate to use "the big stick" over Republican Senators and Congressmen, and to drive through, over the protests of Republican Senators and Republican Congressmen, measures which he conceived to be for the public good. No Executive has exercised greater power over the legislative branch of the Government than the great President to whom I have just alluded. I am not here now to make any criticism of his conduct in that respect, but I do concur in the view of the distinguished Senator that there is a disposition growing in the country to subordinate Congress to the executive departments of the Government; to the bureaus and clerks and satellites in departments, who too often attempt to foist upon Congress their visionary and selfish policies and to compel the enactment of legislation which more strongly entrenches bureaucracy in the Government. Speaking for myself, I feel that the Congress has not always asserted its powers and its functions and prerogatives, and has been oftentimes too subservient to the executive arm of the Government.

Mr. SMITH of Michigan. Mr. President—

Mr. KING. But let me say, in conclusion, that with respect to war legislation I believe that both of the distinguished Senators who speak so ably for the Republican Party, when they take up one by one these bills that have been enacted during the progress of the war, will say that they constitute a monument of fine and splendid legislation, a tribute to the patriotism of Congress and the American people; legislation which conduced to the winning of the war and brought it to a termination much sooner than if partisan controversies and obstructive tactics had characterized the workings of Congress.

In the days of Mr. Lincoln much of the great war legislation was originated by him and by his Cabinet; and the Republicans, then in control of the House and the Senate, registered, often without any protest, the wishes—the edicts, if I may be permitted the expression—of the executive branch of the Government. They felt, as Congress has felt now, that in periods of war the Executive power is stronger, and the legislative branch of the Government is called upon to make some sacrifices and some concessions in order to carry out the stupendous tasks which the war devolves upon the country.

Mr. SMITH of Michigan. Mr. President, I do not want to interrupt the Senator from Maryland, but—

Mr. FRANCE. I yield with pleasure.

Mr. SMITH of Michigan. The Senator from Utah [Mr. KING] has just said that the late President Roosevelt used the "big stick," which recalls to my mind the fact that while this body passed a resolution asking that the late Col. Roosevelt might go to France to take part in the war the President of the United States paid no attention at all to that recommendation. Frenchmen wanted him to come. The great Clemenceau wrote a letter to the President asking that Roosevelt might be sent over to inspire his countrymen. No attention was paid to it at all. The executive department has been the controlling department of this Government ever since the war broke out. You can not compare it with Lincoln's situation. Lincoln had a committee of Congress always at his elbow with whom he consulted about every question of policy.

Mr. KING. If the Senator will pardon me, a committee which some persons afterwards denominated "a smelling committee", which was offensive to President Lincoln and to some of the leaders of his party.

Mr. SMITH of Michigan. It was not offensive to President Lincoln. I know personally one of the men on that committee who enjoyed the confidence of Mr. Lincoln. I know another who lived in honor all his life and closed his days amid the lamentations of his fellow citizens and neighbors. Oh, no; no committee that Mr. Lincoln would call about him would smell bad, even to a Democrat, and I deny that that committee smelt bad, although I do not know anything about it; I was too young to know anything about it, but there are men within the sound of my voice who know something about it personally.

I noticed that my friend from Illinois [Mr. LEWIS] entered the Chamber a moment ago, and it reminded me of the fact that he was one of the men who said that the Constitution went up the chimney when war was declared.

Mr. LEWIS. Mr. President—

Mr. SMITH of Michigan. I do not argue the question with him.

Mr. LEWIS. I must say I am not aware of that observation by me, but I did say, and do repeat, that certain policies are applicable to a time of peace that are suspended as to similar operations in time of war. That I repeat.

Mr. SMITH of Michigan. I did not mention the Senator from Illinois to engage in any controversy with him. He and I came into Congress together and we are going out together, and I am glad of it, because there will be less smoke after we are gone. [Laughter.]

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Vermont?

Mr. FRANCE. I would appreciate it very much if the Senator would allow me just for a moment to conclude what I was saying, and to merely add one thing in reply to the Senator from Utah [Mr. KING]. I am sure he will acquit me of being one of those who utilize this platform to speak for the Republican Party. I hope that in what I say here I shall be speaking for the Republic and not for the Republican Party, and I know the Senator in all that he says is trying to speak for the Republic and not for the Democratic Party. I feel that should be made clear.

I was diverted in what I was saying by this colloquy which introduced the subject of free speech. In connection with the subject of free speech I have been asked a number of times by men, thoughtful men, as to whether I believed, in an emergency such as we have passed through, men of the socialistic party and of the pacifist party should be permitted to abuse the right of freedom of speech. In reply to that I have given this answer, and I always try to speak the words of a great man in answer to a difficult question which I do not feel competent to answer fully myself. I have answered this question in the language of Benjamin Franklin. I ask leave to introduce it into the Record. I have quoted it before. I want to refer just to the last part of it, which I give in answer to the question as to whether the abuses of free speech should be suppressed:

Those abuses of the freedom of speech are the excesses of liberty. They ought to be repressed; but to whom dare we commit the care of doing it? An evil magistrate intrusted with power to punish for words would be armed with a weapon the most destructive and terrible. Under pretense of pruning off the exuberant branches he would be apt to destroy the tree.

That is my answer. The fathers who founded this Republic knew something. I ask permission to insert the whole of this in the Record.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? There being none, it will be inserted in the Record.

The matter referred to is as follows:

Freedom of speech is a principal pillar of a free government; when this support is taken away the constitution of a free society is dissolved and tyranny is erected on its ruins. Republics and limited monarchies derive their strength and vigor from a popular examination into the action of the magistrates; this privilege in all ages has been and always will be abused. The best of men could not escape the censure and envy of the times they lived in. Yet this evil is not so great as it might appear at first sight. A magistrate who sincerely aims at the good of society will always have the inclinations of a great majority on his side, and an impartial posterity will not fail to render him justice. Those abuses of the freedom of speech are the excesses of liberty. They ought to be repressed; but to whom dare we commit the care of doing it? An evil magistrate, intrusted with power to punish for words, would be armed with a weapon the most destructive and terrible. Under pretense of pruning off the exuberant branches he would be apt to destroy the tree. (Franklin: Works, by Sparks, Vol. II, p. 285.)

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland now yield to the Senator from Vermont?

Mr. FRANCE. If the Senator will allow me just a moment, I will say that I was discussing the assumption by the Government, making, of course, for inefficiency, of powers which do not properly inhere in government. In order that my position may be made perfectly clear to everyone, I wish to say that there is no power legitimately inhering in this Republic to build up a great bureau of Democratic spies to protect an autocratic administration against criticism, a system of espionage by which man spies upon man and neighbor upon neighbor, and under which men have been thrown into prison because of opinions and words; not for acts, but for opinions and for words. I can not be brought to believe that there is that power vested in the Republic, or that the fathers ever intended that that power should be conferred by the Constitution of the United States.

I was saying, for the purposes of my discussion, that there were legitimate functions of government—the census or survey, public education, the preservation of the public health, the creation of employment agencies. I was saying that the remedy for many of the evils from which we suffer would be the making of those legitimate functions complete, so far as their performance is concerned, by making the performance of them efficient and universal. That is the subject the discussion of which I desire to continue to-day, and perhaps for some days and weeks to come, because it is a large subject, and I am one of those who believe that the reconstruction program and policies and solutions will not "emerge," but that they must be constructed out of the brain and sweat of men who are willing to devote themselves to a solution of these problems and who are also willing to see things as they are and not as they would have them be.

Mr. President, continuing the preliminary remarks which I began yesterday afternoon on the subject of certain amendments which I have offered to the census bill and which are now pending, I desire very briefly to outline the purpose and the nature of the amendments.

As I intimated yesterday, these amendments not only very radically change the method of the census but they go to the very heart of the theory of the census, and I believe to the very heart of the great problem of national reconstruction.

Before proceeding with the discussion as to the general nature of the amendments I will say that so far as the schedules of inquiry are concerned they are not materially modified, although I have added to the schedules of inquiry two very important items, the item of education and educational agencies and the item of public health and public health agencies, and a third somewhat minor subject for inquiry, the subject of insurance and insurance agencies. So much for the present upon the question as to the schedules of inquiry for which my amendments provide.

There is one other important change to which I will call attention at this point, and that is a change in the census period so far as the inquiries are concerned into educational agencies, insurance agencies, agriculture, manufactures, forestry and forest products, mines and quarries, the interval at which a survey is to be made of those particular subjects of inquiry being 5 instead of 10 years. That is not a radical departure from the committee bill, as the committee bill already provides for an examination every five years, so far as certain of these items are concerned.

But, Mr. President, the essential and vital change which will be effected by the adoption of these amendments is this: The schedule of inquiries concerning population would be made not every 10 years but continually, and continually recorded by a card catalogue system. These amendments provide for a continuous survey of the population of the United States and of all those great vital and social questions which concern the population. Under my amendment there would be such a continuous gathering of social, industrial, and vital statistics as

would give us the data scientifically gathered, systematically classified, and accurately recorded by a card index system, upon which we might base legislative action, and having which before us we could legislate with intelligence and precision.

I shall attempt to show that it is of supreme importance that the census methods should be so changed that the census would give us this continuous enrollment and survey of our population in order that we might have before us the vital, industrial, and social statistics which are absolutely necessary if we are to act intelligently as a legislative body.

My amendment provides for such a continuous enrollment, and therefore it would seem to be a very radical change in the method of taking the census, a change which would perhaps involve in the aggregate a very great expense to the Government; but, as I showed yesterday, I think quite clearly, although I discussed the subject only briefly, we are not doing anything essentially new when we inaugurate such a system of continuous survey and enrollment. We are simply doing an old thing a new way, for I indicated on yesterday that we are at present, through the various agencies, Federal and State, collecting such vital statistics. I endeavored, however, to make it clear that these statistics were being collected by such a multiplicity of agents and in such an unsystematic manner that they give us no clear comprehension as to the condition of the country at any particular time so far as the population might be concerned and the health and the education and the condition of employment of the population.

Under this new plan the country would be divided, as under the plan provided for in the bill, into various census divisions, subdivisions, and also into precincts. The census divisions, of course, would correspond so far as possible—and this is also the provision in the committee bill—to the congressional districts. Under my plan the census subdivisions would correspond to the political subdivisions of the various States, such as counties and legislative districts, and each of those subdivisions, such as counties and legislative districts, would then be subdivided into census precincts, each one of which would correspond so far as possible to the election precincts of that particular political unit.

My plan calls for a card catalogue, continually revised and kept up to date, of all the inhabitants of the United States. It also calls for a permanent census office in each census subdivision, which office shall be maintained at all times, and which office will ultimately be located in a Federal building in that particular census subdivision, in which Federal building, after additional legislation which I have in contemplation is enacted, there would also be accommodated the local branch of the Federal Employment Bureau, of the Federal Health Bureau, and also the offices of the local agricultural agency, such as the United States Government now maintains in cooperation with the States in almost every county of the Union, with certain important exceptions which I do not care to discuss now.

It becomes obvious that what I am seeking to do is to substitute a uniform Federal agency or system for the collection of these statistics in the place of a multiplicity of agencies which are now collecting them in a most inefficient manner.

The births, for example, which are now recorded by the county and other authorities would, of course, under this system be recorded in the local subdivision of the Federal Census Bureau. To put the subject somewhat more concretely before you, and to make it clear as to how this system would operate, as clear as I may in a reasonable length of time, I will say that in a general way the plan calls for the enrollment of the name of a child, as soon as it may be born, upon the record books of the Republic as a citizen of the Nation, on the theory that every child born becomes at once both an asset and a liability to the Republic, an asset inasmuch as he will grow up to become a part of the great Government of the Republic, and a liability because with his birth upon the soil of this Republic the Nation becomes obligated to him in certain ways. It becomes obligated in some way, either directly under the Federal system or indirectly under a State system—and that question I do not care to discuss at this time—for the preservation of his life, first; and, while I am not going into any discussion at the moment of the constitutional question as to how far the State and as to how far the Federal Government should deal with the individual so far as these particular cares and responsibilities are concerned, I want to say that one of the objects of the Federal Government as enunciated by the fathers was the preservation of life. You say that, of course, meant the preservation of the life of the citizen against an attack by a foreign or by a domestic enemy. Well, that is true; probably the fathers were thinking of that; but the language of the Constitution is very clear that one of the objects of the founding of the Republic was to guarantee the opportunity for life. When a child is born into this Republic, this Republic, either directly or through

some of its agencies, becomes responsible for the preservation of the life of that child, not only against visible enemies but against the far more dangerous, insidious, invisible enemies which exist in multitudinous form. I am referring, of course, to bacterial and infectious diseases.

Of course, I know that there are many constitutional lawyers who hold, and upon good authority—because I think in a large way the fathers so held—that the subject of public health was one which should be left to State agencies; but while in theory that may possibly be true, yet, as a matter of fact, the theory is scarcely applicable to modern conditions, and we have persistently repudiated that theory in the actual practice of the Government.

With the growth of our knowledge of communicable disease and the causes of communicable disease—which, of course, are biological entities, the germs being living organisms—we found, as we became acquainted with these germs, that while many of them had undoubtedly taken courses in constitutional law, while many of them had attended college, university, and law school, and had sat within the persons of distinguished legislators, in the dignified legislative bodies of the land, yet unfortunately they had not accumulated any knowledge of constitutional law and had not learned the fine distinctions between State and national sovereignty. It seems impossible to convince these germs, in spite of this remarkable training which many of them have received, that they can not be permitted to travel along the arteries of interstate commerce.

Mr. President, we have practically admitted in our accumulated body of legislation that, so far as the public health is concerned, it has become a national problem, and that it must be dealt with by one agency, that agency operating universally and precisely over all the territory of the Republic. I shall go into that matter somewhat more fully later on.

I need not recall to you the many ways in which we have recognized that the subject of communicable disease must be dealt with nationally. I need not point out to you the accumulating evidence of the growing conviction that the great disease of tuberculosis, which annually kills more people than have ever been killed by any war, except possibly this one, can not be stamped out by State agencies. The bacillus of tuberculosis is interstate in its pernicious action, and it can not be caught and prohibited from doing its virulent work by any divided sovereignty. I think there is also a growing conviction that however commendable—and no man would go further in commending them than I—may be the efforts of private agencies to stamp out this disease, it can not be stamped out by such agencies or by the selling of Red Cross stamps. Tuberculosis is as preventable as any disease can be. The Department of Agriculture, operating all over the country, is eradicating it from the herds of the country; and as that department is operating widely over the country to stamp it out so far as the bovine animals are concerned, so we also have the authority to constitute Federal agencies to act regardless of State lines to prevent it so far as human beings are concerned—a much more important matter.

But I have been diverted somewhat. I say that we must act upon the theory that every child born becomes an asset and a liability to this Republic, and that we must first protect his life not only against enemies, foreign and domestic, but against the invisible enemies which, however domesticated, still remain alien and destructive. When the child takes a communicable disease now it is reported to some agency—to a county agency, to a State agency, to a private agency, or somewhere else—and that report is soon lost or forgotten.

When the child goes to school his name is recorded on the public rolls of the school. When he is promoted it is recorded; his course of study is recorded; his graduation from the school is recorded; his reaching of age is recorded; his becoming a voter, of course, is recorded. When he is married it is recorded; when he has an industrial accident or disease it is recorded somewhere, generally either for the purposes of local State compensation acts or for some other purpose.

The Federal agencies are collecting statistics all the time so far as industrial diseases and accidents are concerned. In other words, we have going on now a continuous survey or enrollment, which is being carried on, however, by such a multiplicity of agencies that the results are not standardized and the data are not practically available.

Under this plan, when a child is born a card will be made out showing the names of his parents. Of course, if his parents had already been recorded, as they would be under this plan, we should have upon the cards, with the names of his parents, their records, showing the heredity of the child—a most important item. There are those, for example, who are interested in certain of the industrial diseases who are pleading for their elimination, because they not only destroy the life of the

individual himself but because they weaken the children who are born of those who have contracted such industrial diseases. This birth-record card would show the child's heredity. It would be, of course, sent to the subdivision office in the county in which he was born. Then, of course, when the child took a communicable disease, a card would be dropped in the post office by the physician, without stamp, saying, "John Doe, number so-and-so, scarlet fever." This fact would be recorded at once on the appropriate card in the subdivision office. When the child entered the school, that would be recorded; his progress in school would be reported by the educational agency having charge of his education and recorded; so that on his card, under this system, there would be a continuous record of his progress. At any particular time by telegraph we could find out exactly how many boys and girls were in the high schools or how many were in the primary schools, and we would know almost instantly where our educational system was inadequate and where it was breaking down.

Of course, this opens up a very large question. I am not planning to discuss the psychological aspects of this question of continuous enrollment and record. A great stimulus would finally result to the ambitions and the energies of the people if each one realized that what he achieved for the Republic was to be recorded on the card of the Republic as a permanent testimonial as to the share taken by him for the welfare of the Government. The soldier, fighting the battles of the Republic, would know that when he came home, if he had received a cross of honor, that would be noted upon his card, and so on. I could illustrate it, of course, in many ways, and many things will suggest themselves to Senators.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Maryland yield to the Senator from Texas?

Mr. FRANCE. I shall be very glad to yield to the Senator for a question, but I should like first briefly to outline somewhat further my plan, and then I will be very glad to yield.

Mr. SHEPPARD. I shall wait until the Senator has concluded upon that point.

Mr. FRANCE. Then, I desire to make clear the practical operation of this plan, particularly so far as employment and unemployment are concerned.

I attempted to show yesterday that the chief problem of reconstruction was production. Reconstruction means production. There has been for a long time an underproduction in the world of the commodities and necessities of life. Men are hungry; men are unshod; men all over the world are lacking in those things which are necessary for a comfortable human existence. There is a shortage of food; there is a shortage of shoes; there is a shortage of clothing. Men are miserable in many parts of the world because their fundamental human needs are unsatisfied, and men are in revolution also for that very reason, for, after all, while you may discuss the political causes of revolution as much as you please, generally the causes go deeper than mere political questions. I am not meaning to say that if the French peasants had not been hungry and deprived of the materials necessary for a comfortable human existence in time there would not have been a French Revolution; but, as a matter of fact, the French Revolution did not begin until human misery had reached a certain point.

For years the worst government in all the world oppressed and degraded the Russian people; for years effort after effort was made to overthrow that despicable government—the most despicable, we should remember, which has ever been known in the history of the world—for years efforts were made to overcome it, and yet by one device or another the Russian people were called in this war to the colors and went and fought for their country obediently. They were not altogether satisfied with their government; but they were reasonably well fed and well clothed, and no man can read the history of the Russian revolution and not realize that what finally precipitated it were hunger and want. Owing to a colossal war effort, made in an unorganized and unsystematic way, there had grown up, because of the underproduction and the faulty distribution of food and also the underproduction and faulty distribution of other commodities, a condition in Russia which was intolerable. People were starving upon the streets of the cities. I shall not take the time of the Senate to review the conditions; but the Russian revolution was really a revolution which was precipitated by the lack of satisfaction of the fundamental human needs of the people.

You can not hope for the reestablishment of national stability—and upon the establishment of national stability depends, of course, the reestablishment of international order—you can not hope for the establishment of national stability

throughout the world until you have produced enough to satisfy those elemental human needs which must be satisfied before you can put the people into such a state of body and mind that they will be willing to listen to the voice of reason.

There were those filled with hatred who said that no exportation of food to some foreign enemy countries should be permitted; but Mr. President, such a policy as that could not be for long. It soon began to be realized that, unless revolution was to spread over the world, we had to supply the fundamental, elemental human needs of the peoples in Europe.

Mr. President, I think that while we have been discussing this war for a long time, many of us have failed to realize the fact that it is a widespread disturbance of the world. I referred to the fact on yesterday that there were at least three hundred and ten or three hundred and fifteen million people who were without responsible government and in a state of absolute revolution. I thought I had here the figures which I have compiled to show the number of people not only in the countries now in an actual state of revolution but the numbers of the inhabitants in all of those countries in which there is a profound unrest. Taking them all together, not counting the allies and the United States, more than 800,000,000 people, chiefly, I believe, because of the failure to satisfy the elemental human needs, are in countries in which there is at least a profound unrest if not actual revolution. I have taken the trouble to compile a statement showing the widespread nature of this disturbance.

But I have become diverted somewhat from what I wanted to say with reference to underproduction. The fundamental cause of this unrest is underproduction of the necessities and commodities of life; and the first thing to be done, so far as reconstruction is concerned, is to organize every nation for its utmost possible production of commodities and necessities. Of course, that means the prompt return of the troops now on the battle field; it means the redistribution of many of those at home who have taken the places of men who have gone to the front; it means the finding of employment for the men who come back from the front.

There is underproduction here, and this underproduction is causing misery and distress in many cases even in the families of men who are securing a very high nominal wage, for, after all, it is not the money wage which a man receives which determines the degree of comfort and pleasure which he shall enjoy, but it is the wage in commodities and necessities; so that a serious underproduction of commodities and necessities reduces the real wage regardless of what the nominal wage may be. The whole problem, I say, of the reconstruction period is as soon as possible to bring every nation by proper organization up to its full productive capacity. Of course, that is a question of employment.

How will this system which I propose operate so far as employment and unemployment are concerned? I said yesterday that there was no means by which the Employment Bureau of the Federal Department of Labor could function properly until it knew how many unemployed there were in the country and who they were; and I think I showed conclusively, although I did not go into the question exhaustively, that there were no means available by which the Employment Bureau of the Department of Labor could ascertain the number, names, and qualifications of those unemployed. Under the system which I propose the record card of every citizen would be placed upon a file in the Federal census office at the county seat of this county. In the same building there would also be a branch of the Federal Employment Bureau, and if any man in the county became unemployed, or if any woman who wanted employment should become unemployed because of the return of a soldier to take her position, all that would be necessary for that man or woman to do would be to take a card, which could be obtained from the postmaster, and upon the card write the name and number and drop it in the box; for instance, "Mary Smith, No. so-and-so, unemployed." That card would be received by the official in charge of the subdivision office at the county seat where the Federal Employment Bureau would be located, and the card would be transferred to the unemployment file; and in every county every citizen of the county who was unemployed would have his card upon the unemployment file. Of course, those cards would constitute the records of the local division of the Federal Employment Agency so far as the informational end might be concerned.

Mr. KENYON. Mr. President—

Mr. FRANCE. I yield to the Senator.

Mr. KENYON. While the Senator is on that question I wish to ask him does he know how many men are now out of employment in the United States? I will answer my own question, if the Senator will permit me.

Mr. FRANCE. I will be very glad to have some information on that point, because we have little information whatever on it which is accurate.

Mr. KENYON. Mr. Morrison, the secretary of the American Federation of Labor, testified to-day before the House Committee on Immigration, giving the figures as to the number of unemployed in the different cities, which I will say to the Senator is a constantly increasing number. I have the figures as to the different cities here. Altogether the number runs over 200,000 now unemployed in this country; yet no effort is being made anywhere, nothing is being done by Congress, to meet that situation. Has the Senator in his study of this matter and in his philosophy—because the Senator is a good deal of a philosopher—worked out any plan of taking care of that question in the immediate future?

Mr. FRANCE. I will say to the Senator, in reply to his inquiry, and by way of making an observation upon his most important contribution to this subject—and, of course, the Senator's contributions to this general subject are always most valuable, because he is one of the men in this body who is taking a particular interest in the great problem of reconstruction generally, in the problem of employment and unemployment, and in all problems which lie close to the heart of the people of this Republic—I will say to the Senator that I contemplate—

Mr. PAGE. Mr. President, one word before the Senator passes from that point. May I ask what plans, so far as the Senator from Maryland knows and so far as the Senator from Iowa knows, are being put forth to take care of nonemployment locally or by the States?

Mr. KENYON. I wish to get the view or knowledge of the Senator from Maryland on that subject. I have some knowledge about it myself, but I thought possibly the Senator from Maryland might have some additional knowledge.

Mr. FRANCE. I will tell the Senator what I have in mind; and if the Senator from Vermont will permit me to answer the question of the Senator from Iowa, I shall then be very glad to answer his question. I will say to the Senator from Iowa that immediately the census begins—and it could begin, in my judgment, in a very few weeks, because what I propose is to do on a national scale what Gen. Crowder did when he enrolled so quickly and so expeditiously millions of our men for the purpose of the draft law—as soon as the census work begins these cards will be written, and the moment a card is written for a man who is unemployed it will be put in the unemployment file of his census subdivision office; and at Washington we will then know exactly every morning, if we wish to know that quickly, by telegraphic communication just how many unemployed men there are in every county and legislative district in the United States, and also who they are and what qualifications they possess.

Mr. KENYON. Does the Senator's card system contemplate showing the particular work that these men are fitted to do?

Mr. FRANCE. Yes. I have passed over much that I would have said if time had permitted.

Mr. KENYON. There is plenty of time.

Mr. FRANCE. The card will be so filled out that it will give a complete record of the individual, his past occupation, his education, his trade. It will be, I may say, somewhat similar to the cards made out under the direction of the Provost Marshal General at the last registration of soldiers for the Army, which cards carried a very large amount of information as to the qualifications of the individual. Every card of an unemployed man which would be transferred to the unemployment file in the local subdivision office would tell exactly what the man's trade and qualifications were. If he were a farmer, it would be so noted; if he were a man who had two or three trades, that would be noted; and we would have accumulating, as soon as the system was put in operation in every subdivision census office of the country, the unemployment cards.

I want to say that that is very important, because it must be obvious to every Senator that at a time like this the rapid accumulation of unemployment cards upon the files of the Census Bureau—or the employment bureau, because that employment file would be the employment bureau, so far as the information concerning unemployment was concerned—would indicate a serious situation. I need hardly emphasize that it is most important that if those cards should be accumulating at any very great rate at a time like this it would be proof that something must be done to reduce the number of those unemployed; and there is the very essence of the whole matter. If we know what sort of people are unemployed, who they are, what their qualifications are, and where they are, then we can legislate intelligently as to finding them work to do.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. FRANCE. If the Senator will permit me to answer the question of the Senator from Vermont, I will yield in a moment.

Mr. WEEKS. Yes; certainly.

Mr. FRANCE. So far as what is being done now is concerned, I would say that in my judgment nothing efficient is being done. In fact, as I said yesterday, referring to the President's farewell speech, I think there is a general disposition on the part of the administration to feel that these questions will work themselves out. Nothing, I think, is being done except an attempt to speed up the Federal employment bureaus which are now a part of the Department of Labor; and I would say that those employment bureaus are making an effort to solve this problem of unemployment, but they can not do it, because they have not the data so far as unemployment is concerned.

Mr. PAGE. But the point I want to bring to the attention of the Senator from Maryland is this: Is there not a work that may be linked up with the work on the part of the States, so that there may be not a duplication altogether? We know now that passing from the east to the west there is a zone, perhaps covering the Central States from east to west, where the number of unemployed is daily increasing.

Mr. FRANCE. Yes.

Mr. PAGE. On the other hand, so far as my own State is concerned I do not know that there is any unemployment there. If so, it has not come to the front, and we take care of it locally. Indeed, I would say that that matter would be taken care of locally in small States like Vermont; and the point is that there should be a coordination of work, so that there is not any more burden thrown upon the National Government than is necessary in order to produce good results from the local work of the States.

Mr. FRANCE. The Senator has raised some very interesting questions. Of course I feel that the problem of unemployment, for the very reason given by the Senator, is not a local problem. There are areas to-day in the United States where workers are needed. There are areas where workers are being dismissed. Now, if we had a Federal system which was rational and scientific, from the areas where there was a congestion those unemployed men could be taken to the areas where there was a dearth of workers, and a redistribution could take place which would be of benefit to all.

The theory of the Federal employment bureau is that this question of unemployment has ceased to be a local question and therefore that it must be dealt with by a national agency. I am not contending in this argument for the establishment of any new agencies, but for the application of scientific methods in the agencies which now exist—that is, the Federal employment bureaus.

Mr. PAGE. Do we not all agree that there should be a clearing house somewhere through which we may move to the different zones or the different localities where there is a surplus of work or a surplus of employees?

Mr. FRANCE. Yes; we do. I think the Senator and I are agreed that there should be such a clearing house, and that clearing house under my plan would be a scientifically and efficiently organized Federal employment bureau in the place of one which is inefficiently and unscientifically organized. I think the Senator and I are in agreement.

Mr. KENYON. Will the Senator right there, as he is right on this question, which is so interesting, permit the insertion and reading at this time of the figures given by Secretary Morrison to-day before the House committee as to unemployment right now in this country?

Mr. FRANCE. I should be very happy to have those introduced as bearing upon what I have to say.

Mr. KENYON. This is a list of the different cities and the unemployed in those cities.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Los Angeles, Cal.	8,000
Clifton, Ariz.	650
New Britain, Conn.	2,000
Wilmington, Del.	None.
Chicago.	75,000
Jacksonville, Fla.	None.
Rockford, Ill.	200
Fort Wayne, Ind.	350
Louisville.	2,900
New Orleans.	20,000
Boston.	20,000
Grand Rapids.	5,000
St. Paul.	8,000
St. Louis.	15,000
Kansas City.	2,000
Paterson, N. J.	1,200

Trenton, N. J.	2,500
New York City	20,000
Cincinnati	25,000
Cleveland	40,000
Portland, Oreg.	2,000
Toledo	17,000
Youngstown, Ohio	5,000
McKeesport, Pa.	200
Scranton	3,000
Aberdeen, Wash.	750
Wheeling	7,000
Milwaukee	750
Superior, Wis.	750

Mr. KENYON. My question was directed to the Senator not in any controversial spirit, because I am thoroughly in favor of what he is trying to do, and I am glad he is challenging the attention of the country and the Senate to his proposal; but that, I fear, is going to be too late. The reports to the Labor Department are that this unemployment is increasing every week. We have got to meet that question in some way in the immediate future. It seems to me the only way we can meet it is, in cooperation with the States, to do the necessary public works in times when labor is not in demand in industry.

I hope the Senator will address himself in his forceful way to this question, and try to awaken Congress out of its lethargy and apparent lack of vision and see what we are going to face. We are so busy taking care of all the affairs of the world that we as yet do not seem to have time to take care of the affairs of our own country.

Mr. FRANCE. I agree with the Senator, and I now yield with pleasure to the Senator from Massachusetts.

Mr. WEEKS. Mr. President, I am sorry that I have been in important committee meetings, so that I have not been able to be here to hear the Senator; but it seems to me, from the drift of what I have heard since I came in, that what he is advocating now is exactly what European countries did a year to two years ago. Certainly before the armistice, as early as last spring, in Great Britain every man who was in the army, or every man who was engaged in war work, was listed, card indexed; his occupation was included in the index; a note was made as to whether he could return to his former employment when the war was over; and every condition surrounding that man was in the hands of proper governmental authority, and arrangements had been made to give the man employment at the end of the war.

The Senator may recall that as long ago as last September I introduced in the Senate a resolution—

Mr. FRANCE. Does the Senator recall the date of it?

Mr. WEEKS. I should think the 25th of September I introduced in the Senate a resolution which is sleeping the sleep which knows no waking, apparently, in the Judiciary Committee, which provided for this suggested action and a great many other things. We as a Government—and I can not believe that the responsibility is on this side of the Chamber—are deliberately neglecting to prepare for the things which are inevitable. In other words, we are in this fatal condition in the way of preparedness for peace just as we were in preparedness for war; and while we have lost valuable time, unless the Senator from Maryland and other Senators and all the Senators stir up this matter now and some action is taken, we are going to have great distress in the United States, and distress that will be directly chargeable to the neglect of Congress.

Mr. FRANCE. Mr. President, I desire to say, in reply to the Senator from Massachusetts, that I am in entire agreement with him; and, indeed, during all of the time that I have been considering these amendments to the census bill, which I consider to be a step in the direction of solving some of these reconstruction problems, my mind has been recurring to the great reconstruction program outlined by the Senator from Massachusetts last September, a program the timeliness of which and the breadth and comprehensiveness of which was only one more evidence of what we have all come to realize who know him, that in the Senator from Massachusetts we have a great statesman who has vision, who can look forward as well as to history. It is regrettable—indeed, to me it seems inexcusable—that the great reconstruction program outlined by the distinguished Senator from Massachusetts [Mr. WEEKS] was referred to a committee and allowed to sleep in that committee, because there seems to be in this administration an utter blindness to the seriousness of the situation which is rapidly developing in this reconstruction period which is not now all ahead of us, but which is about us, for we are in the very midst of it. Of course, if affirmative action had been taken with reference to the constructive suggestions contained in that great program of reconstruction presented by the Senator from Massachusetts, it would not be necessary for me to be thus contending here for this measure,

which I consider to be but one step—perhaps an ineffective and a small step, but at least some step—in the direction of some reconstruction work and a more effective and rational organization of the Nation.

Mr. WEEKS. Mr. President, if the Senator will permit me to interrupt him once more, I might have added some additional reasons for the particular action which he now desires taken.

I saw in the War Department very nearly three weeks ago a chart prepared by the Department of Labor relative to idleness in the United States, and that chart at that time showed that in 31 per cent of the industrial centers there was a surplus of labor; that there was a scarcity of labor in about 20 per cent of the places, and about a normal amount in 49 per cent. Now, since that time we have discharged more than 500,000 men from the Army. We have discharged a great many people who were engaged in war work. For instance, one arms company has discharged, at different points where it manufactures, something like 18,000 people, so that any figure which states that there are 200,000 idle men in this country is very much below the probable fact.

I have a letter this morning from Springfield, Mass., an industrial center, which states that there are in that city now, a place of 75,000 people, very nearly 400 unemployed soldiers. They have not even been paid the 30 days' additional pay which Congress contemplates giving them; and those men, in some cases, are in the condition of real suffering. And yet these men, who have rushed to the colors, are returning to their homes and finding themselves out of employment and with no prospect or no concerted means of giving them employment. I venture to believe that that condition exists all over the United States, and I believe as thoroughly as I can that every bit of it could have been avoided if any reasonable attempt had been made to make preparations for what was inevitable, and that was an armistice and peace.

Mr. FRANCE. I thank the Senator for the observation, and I think that his judgment upon this question is most valuable. I find myself in entire agreement with him in the opinion which he has expressed, that the 200,000 unemployed men referred to constitute but a fraction of all of those unemployed. Offhand, I should say that probably to-day in the country there are nearer a million to a million and a half persons who have recently been employed who are to-day unemployed, and this in the face of the situation to which I have alluded, demanding the utmost production of all the necessities and commodities of life in order that a serious world situation may be met.

Mr. President, I have attempted briefly to outline how this system would work practically. Of course, it is very difficult in a short time to give an adequate conception of such an extensive plan as this. I have quite a number of other observations to submit. I do not know what the plans of the chairman of the committee are with reference to the hour of adjournment to-day.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Maryland yield to the Senator from Texas?

Mr. FRANCE. I yield.

Mr. SHEPPARD. I have been very much impressed with the arguments of the Senator from Maryland and with his presentation of his very comprehensive amendments. I think that there are many meritorious features about them, and I am entirely willing to have them adopted by the Senate and go to conference, in order that they may be thoroughly studied. Therefore, I shall say that the amendments are accepted, and I hope the Senator will now offer them.

The PRESIDING OFFICER. If there is no objection, the amendments will be accepted.

Mr. FRANCE. I appreciate the acceptance by the chairman and the adoption by the Senate of these amendments; and, of course, I feel also that in view of this there will be no propriety in my detaining the Senate further in the discussion of the general problem of national and of world reconstruction. I have quite a mass of interesting data on the subject of the public health, on the subject of illiteracy in the United States, on the inefficiency of our systems of public education, on the subject of unemployment and of poverty, and some very interesting data also with reference to the conditions in the various countries of the world which I had thought of discussing, such as the conditions in Russia, in Africa, in Bulgaria, in Ireland, and in India, all of which should very properly be considered to be pertinent to this question of national and of world reconstruction. Inasmuch, however, as the Senator has accepted my amendments, I shall be very glad to yield the floor.

I hope, however, that the Senator will do all in his power in conference to secure a consideration of this question. It is,

I may say, a practical plan, a scientific plan, and one which I think all the members of the committee must realize has merit, and one which the experts in charge of the Census Bureau must look upon with some degree of interest. I want to say further that of course in offering these amendments I have not been casting any reflections upon the Census Committee, or upon the head of the Census Bureau, for whom I have the very highest regard. He is a man of ability and of great scientific attainments; but I realize that all changes in the census law are made slowly, and only after protracted effort and debate. The history of the census, to which I had intended referring at some length, shows this.

I hope that the Senator, when this matter goes to conference, will make a fight for these amendments. If, however, he can not persuade the conferees that all of these particular amendments should be added to the bill at this time—and I admit that there might be reasons why they should not be; personally I think they should be, but there might be valid arguments why it might seem to be somewhat revolutionary at this time to put all of these amendments upon this bill—I wish to suggest this to the chairman: I feel that if the conferees should refuse to adopt this whole plan, the Senator should at least make a most strenuous effort, as a member of the conference committee, to have some amendment added in the place of mine, if they should be rejected, which will provide that a commission of experts shall be appointed for the consideration of this whole matter which I have presented.

Mr. SHEPPARD. I wish to assure the Senator that his amendments will not only have thorough and earnest consideration at the hands of the conference committee, but that his last suggestions shall also have our most careful study. The conferees will be glad to have the Senator appear before them when we take up the question.

The PRESIDING OFFICER. Without objection, the amendments of the Senator from Maryland will be considered as agreed to. The Chair hears no objection.

The bill is in the Committee of the Whole, and still open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

RECESS.

Mr. SHEPPARD. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 17, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 16, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the preservation of our lives; the opportunities spread out before us; for thought, reflection, accomplishments.

Help us to think clearly, act wisely, do justly, that with the tools Thou hast given us we may build for ourselves a character which will stand the test of time and eternity. In the Spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE CHARLES MARTIN, OF ILLINOIS.

Mr. JOHN W. RAINEY. Mr. Speaker, I ask unanimous consent that Sunday, February 2, 1919, be set aside for memorial services on the life, character, and public services of Hon. CHARLES MARTIN, deceased, late a Member of this House from the State of Illinois.

The SPEAKER. The gentleman from Illinois [Mr. JOHN W. RAINEY] asks unanimous consent that Sunday, February 2, 1919, be set aside for memorializing his predecessor, the late Representative MARTIN, of Illinois. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14078, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. ALEXANDER in the chair.

The Clerk read as follows:

Legislative reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, \$30,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$3,000 per annum.

Mr. RANDALL. Mr. Chairman, I move to strike out the last word for the purpose of announcing that, through the courtesy of the United Press, I am able to state that the thirty-sixth State has ratified the prohibition amendment. My native State of Nebraska ratified the amendment this morning. I withdraw the pro forma amendment.

The Clerk read as follows:

Distribution of card indexes: For service in connection with distribution of card indexes and other publications of the Library: Chief of division, \$3,000; chief assistant, \$1,500; assistants—2 at \$1,600 each, 3 at \$1,500 each, 3 at \$1,400 each, 4 at \$1,200 each, 4 at \$1,100 each, 4 at \$1,000 each; for services of assistants at salaries less than \$1,000 per annum and for piecework and work by the hour, \$19,500, including not exceeding \$500 for freight charges, expressage, traveling expenses connected with such distribution, and expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, \$49,400.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word, and ask the gentleman from Tennessee [Mr. BYRNS] to give me his attention for a moment. I had intended to ask him at the time we passed the appropriation for the Committee on Printing whether he had any information as to why such inferior paper is used in the printing of the CONGRESSIONAL RECORD. During the last few weeks the CONGRESSIONAL RECORD has been printed upon paper that would not be acceptable in any newspaper office in the country under ordinary circumstances, and yet I observe that publications of the Bureau of Information and of the various departments appear in the regular way on glazed paper, apparently in the usual form. The CONGRESSIONAL RECORD is a publication that ought to be preserved. Why is it printed upon such cheap paper at the present time?

Mr. BYRNS of Tennessee. Mr. Chairman, I have no information that I can give to the gentleman upon the subject. I refer the gentleman to the chairman of the Committee on Printing. As a matter of fact, the Committee on Printing controls the paper, as I understand it, that is used in the CONGRESSIONAL RECORD and for Congress, and has no control over the paper that is used in the departments. I can only give the gentleman my opinion in regard to the matter, and that would not be worth anything since I have no definite information.

Mr. MOORE of Pennsylvania. If the gentleman has no information I shall not pursue the subject further, but I would say that the CONGRESSIONAL RECORD is bound in permanent form and is preserved for future generations and for future Congresses. It ought to be preserved. It would be a great pity if the CONGRESSIONAL RECORD of to-day were to disintegrate because of the quality of the paper upon which it is printed. One of the big problems that will confront this Nation before long will be the preservation of its old records.

Mr. BYRNS of Tennessee. I assume that the permanent RECORD will be printed upon better paper. These daily RECORDS are not permanent, nor are they expected to be. I presume that the reason this kind of paper is used for the daily RECORD is because of the scarcity of paper and the endeavor to economize.

Mr. MOORE of Pennsylvania. The gentleman can not tell why it is that the Bureau of Public Information continues to put out its publications on glazed paper, while the CONGRESSIONAL RECORD is printed upon paper that would disgrace the average newspaper office?

Mr. BYRNS of Tennessee. I can not. As I stated, I understand the Committee on Printing has nothing to do with the character of paper used by any of the executive departments.

Mr. MOORE of Pennsylvania. I see that the chairman of the Committee on Printing has entered the Hall, and I ask whether he can explain why it is that the CONGRESSIONAL RECORD is printed on such abominable paper as is used at the present time.

Mr. BARNHART. Yes, Mr. Chairman, the chairman of the Committee on Printing can probably explain, but probably not to the satisfaction of the gentleman from Pennsylvania. The CONGRESSIONAL RECORD as daily produced is temporary; it is not permanent. Under the allowance of printing granted by the Committee on Appropriations for Congress some two years ago, the estimate then was based on the probability that the paper to be used in printing the CONGRESSIONAL RECORD would cost 4 cents a pound.